



U.S. Department of Justice

Office of Legislative Affairs

Washington, D.C. 20530

October 8, 2004

The Honorable John Conyers, Jr.
Ranking Minority Member
Committee on the Judiciary
U.S. House of Representatives
Washington D.C. 20515

Dear Representative Conyers:

Please find enclosed responses to the questions you submitted to Assistant Attorney General R. Alexander Acosta by your letter of March 11, 2004. Assistant Attorney General Acosta provided the information responding to the majority of your questions. Principal Deputy Assistant Attorney General Sheldon Bradshaw provided the information responsive to questions relating to the Texas redistricting matter. Our response to question 20 will be provided under separate cover.

Please do not hesitate to call upon us if we may be of additional assistance. The Office of Management and Budget has advised us that from the perspective of the Administration's program, there is no objection to submission on this letter.

Sincerely,

William Moschella
Assistant Attorney General

cc: The Honorable F. James Sensenbrenner
Chairman
Committee on the Judiciary

IDENTICAL LETTER SENT TO THE HONORABLE JERROLD NADLER, RANKING MINORITY MEMBER, SUBCOMMITTEE ON THE CONSTITUTION, COMMITTEE ON THE JUDICIARY, WITH A COPY TO THE HONORABLE STEVE CHABOT, CHAIRMAN, SUBCOMMITTEE ON THE CONSTITUTION, COMMITTEE ON THE JUDICIARY

**Responses to Questions Posed by Minority Members
of the House Committee on the Judiciary
Arising from Hearing of March 2, 2004**

**R. Alexander Acosta
Assistant Attorney General
for the Civil Rights Division**

1. Data Requests

Prior to the hearing, our staff requested data on the dockets for each section of the Division. At the hearing you stated that the material had to be assembled, but would be forthcoming. When can we expect to receive this information?

How much staff time (including attorneys) was allocated to police pattern and practice investigations and litigation during this fiscal year and the previous four fiscal years, on a quarterly basis. Please note the number of attorneys in the Special Litigation Section logging time to police matters relative to the overall number of attorneys in the section for each year.

How much staff time (including attorneys) was allocated to CRIPA investigations and litigation during this fiscal year and previous four fiscal years, on a quarterly basis. Note the number of attorneys in the Special Litigation Section logging time to CRIPA matters relative to the overall number of attorneys in the section for each year.

How many investigations have been commenced against states and how many lawsuits have been filed against states since 2000. Note the name of the Attorneys General of the states in question.

RESPONSE:

For staff time dedicated to police pattern and practice and CRIPA matters, please see Attachments A and B.

With regard to CRIPA matters, there have been 52 CRIPA investigations authorized against States and political sub-jurisdictions since Fiscal Year ("FY 2000") impacting 66 facilities in 23 States. See Attachment C for Attorneys General since 2000 of the States where an investigation was authorized. There have been 15 CRIPA lawsuits impacting 24 facilities in 11 States since FY 2000. The Attorneys General since 2000 of the States where suit was brought under CRIPA include the following: Janet Napolitano (Arizona); Terry Goddard (Arizona); Mark

Pryor (Arkansas); Mike Beebe (Arkansas); Thurbert E. Baker (Georgia); Jeff Modisett (Indiana); Karen Freeman-Wilson (Indiana); Steve Carter (Indiana); Ben Chandler (Kentucky); Gregory D. Stumbo (Kentucky); Richard P. Ieyoub (Louisiana); Charles C. Foti (Louisiana); Mike Moore (Mississippi); Jim Hood (Mississippi); John Farmer (New Jersey); David Samson (New Jersey); Peter C. Harvey (New Jersey); Eliot Spitzer (New York); Paul G. Summers (Tennessee); Hoke MacMillan (Wyoming); Patrick J. Crank (Wyoming).

Since FY 2000, the Division has authorized 19 police investigations in 13 States, territories, and political sub-jurisdictions. In addition, since 2000, the Division has filed five police lawsuits against State political sub-jurisdictions.

The Docket information you requested is included as Attachment E.

2. Partial Birth Abortion Act

If upheld, the Civil Rights Division would be charged with enforcing the Partial Birth Abortion Ban Act. Do you believe this is an appropriate statute for the Civil Rights Division to enforce?

Whose civil rights do you believe your division would be charged with protecting in these cases?

Do you have a plan for allocating resources to take up your enforcement duties as assigned by the Attorney General? How many attorneys do you think you would need? Which sections would be charged with doing this enforcement work?

The President's FY 2005 budget has proposed cuts to the Civil Rights Division of \$1.62 million, and 15 FTEs (Full Time Equivalent Positions) [sic] From where would these resources be drawn?

How do you plan to devote resources to enforcing the Partial Birth Abortion Act in conjunction with implementing these cuts? From which areas would you draw resources in order to take on these new responsibilities?

RESPONSE

Congress enacted the Partial Birth Abortion Ban Act (PBA) with an overwhelming majority in both Houses. The Division was selected as the appropriate litigating component to enforce the PBA, as it has specialized expertise in both sensitive abortion-related matters and in criminal

matters generally. With respect to the elements of the ban, the Act defines the necessary elements of a criminal offense, which if sustained, the Division will enforce.

It is premature to assess what type of resources would be necessary to enforce the Partial Birth Abortion Ban, since the validity of the law is still being litigated, and enforcement has been enjoined by multiple judicial orders. The Department of Justice has the obligation to enforce the laws passed by Congress, and will make the appropriate allocation of resources to do so if and when enforcement of the Partial Birth Abortion Ban Act is permitted.

3. Subpoena of Women's Health Records

As part of its legal strategy to defend the Partial Birth Abortion Act, the Department of Justice has subpoenaed the records of women who had abortions and clinics and hospitals around the country in the last two years. In those cases, the Department has argued that there is no federal common law doctor patient privilege. Is that your understanding of current law? Do you believe that patient medical records should be entitled to no doctor-patient privilege whatsoever?

RESPONSE

The Department's Civil Division, not the Civil Rights Division, is responsible for defending the constitutionality of the Partial Birth Abortion Ban Act of 2003.

The Department can assure you that from the onset of this litigation, the Department had no interest whatsoever in the identity of the patients associated with the medical records. Further, the Department agrees that any information that might reveal the identity of a patient can and should be fully redacted from the medical records.

Moreover, the Department has made clear that it sought redacted medical records because the plaintiffs in the underlying case for which the records were sought themselves put the records squarely at issue in the litigation. Central to the plaintiffs' case is their argument that the banned procedure is medically necessary to preserve a woman's health. In an apparent effort to provide a more concrete basis for this assertion, the plaintiffs (or doctors affiliated with them) submitted declarations in which they offer their own clinical experiences - instances in which they contend, on the basis of their own personal knowledge, and references to specific (though unnamed) patients, that the banned procedure was appropriate for use in their practice. Because the Department of Justice has a duty to defend the constitutionality of Acts of Congress, and because the plaintiffs themselves put their own clinical experiences at issue as the centerpiece of their case, the Department subpoenaed those medical records, as the best available documentation of the plaintiffs' claimed clinical experience, in order to test their assertions that

the banned procedure is medically necessary to preserve a woman's health. To ensure patient confidentiality, however, the Department agreed to and the courts entered protective orders requiring that all patient-identifying information be redacted from the subpoenaed records, and that all such records, even in redacted form, be treated confidentially, and filed under seal.

Accordingly, the benefit of subpoenaing the medical records and the justification for doing so is that the redacted medical records would allow the Department to test the accuracy of the plaintiffs' principal factual contention, and thereby assist the Department in carrying out its duty to defend the constitutionality of an Act of Congress.

The Department does not believe that the provision of the redacted medical records in this case -- records from which no patient identifying information could be gleaned -- would violate any recognized physician-patient privilege. The Department further agrees with the conclusion of the United States Supreme Court that "[t]he physician-patient evidentiary privilege is unknown to the common law." *Whalen v. Roe*, 429 U.S. 589, 602 n.28 (1977). Every United States Court of Appeals to consider the matter is in agreement with that position.

These issues are discussed in greater detail in the Department's opening and reply briefs to the United States Court of Appeals in *National Abortion Federation v. Ashcroft*. Those briefs are available online at the court's website (www.ca7.uscourts.gov/briefs.htm <<http://www.ca7.gov>>) and entering the case's docket number (04-1379).

4. Discrimination in Federally Funded and Government Programs

Part of the Division's responsibilities has to do with discrimination in federally funded programs. Federal funds are, for the first time, being given to organizations that discriminate in employment on the basis of religion. These organizations are not religious organizations covered by the employment discrimination exception in section 702 of the Civil Rights Act of 1964. As part of your Division's duties in advising other federal agencies, have you been consulted on this question, and if so, what role have you played and what advice have you given?

RESPONSE

It would be inappropriate to discuss either the Department's role in internal Executive Branch deliberations, or specifically what legal advice, if any, the Department of Justice has provided within the Executive Branch on this matter. Disclosure of such deliberations or advice would chill the Department's ability to provide the candid, independent, and professional legal analysis and judgment essential to full and proper Executive deliberations.

5. Office of Special Counsel Web Site

Recently the Office of Special Counsel, which is not part of the Justice Department, removed information concerning discrimination against federal employees on the basis of sexual orientation from its web site. In response to an inquiry from the Ranking Members of the Full Committee and this Subcommittee, the Special Counsel apparently believed, on the basis of a power point presentation, that the basis of the office's policy was "unclear." Are you aware of any changes in law or regulation that might have called into question this longstanding policy, especially in light of the Supreme Court's decision in *Lawrence v. Texas*?

RESPONSE

As the Office of Special Counsel is independent from the Civil Rights Division, we are not privy to the actual deliberations that formed the basis of the website changes to which your inquiry relates.

We do, however, note that it is extremely unlikely that the Supreme Court's decision in *Lawrence v. Texas* would have any effect on the particular policy at issue you raise, as *Lawrence* dealt solely with the constitutionality of a State law criminal prohibition on purely private conduct.

6. Housing

The Department of Housing and Urban Development's Fair Housing and Equal Opportunity program, which helps enforce title XIII of the Civil Rights Act of 1964 and the Fair Housing Amendments of 1988, is slated to receive \$48 million in the President's FY 2005 budget, which, according to the Budget Committee, is a cut in current services dollars of \$1 million (a nominal increase of \$1 million). Given the fact that HUD's allocation is essentially flat, how will the Division allocate resources to pursue the expansion of fair housing and fair lending work?

Civil Monetary Penalty Recovery - The housing and lending work undertaken by the Division is undeniably complex, time consuming and expensive. Given the budget constraints faced by the Division, would you support legislation that would allow the Division to keep a significant portion of the "civil monetary penalties" awarded in these cases, which is the norm in other enforcement areas -e.g., healthcare fraud and procurement.

RESPONSE

We work cooperatively with HUD on many cases, but also have independent authority to initiate litigation such as pattern and practice cases under the Fair Housing Act, as well as matters under the Equal Credit Opportunity Act. We believe that the President's FY 2005 budget request allocates the Division ample resources to prosecute vigorously violations of these statutes.

Regarding any legislative proposal regarding civil monetary penalties, the Justice Department speaks with one voice when discussing the merits of a particular item of legislation, and if presented with such legislation would comment at the appropriate time and in the appropriate manner.

7. Civil Rights of Institutional Persons Act (CRIPA)

Since the administration has made enforcement of CRIPA priority [sic], what is your position on giving the Division subpoena power to improve enforcement capabilities?

RESPONSE

The Division actively enforces each statute enacted by Congress and entrusted to its care. The Justice Department speaks with one voice when discussing the merits of a particular item of legislation, and if presented with legislation regarding subpoena authority would comment at the appropriate time and in the appropriate manner.

8. Texas Redistricting

In your testimony before the Subcommittee, you stated the reasons for disqualification are not given by Department officials. Notwithstanding a revision of the materials enclosed in a November 21, 2003, letter from William E. Moschella, Assistant Attorney General for Legislative Affairs, we are aware of no official DOJ policy to this effect. To the contrary, during the 1992 redistricting, Assistant Attorney General John Dunne recused himself from reviewing the redistricting submission of the New York State Senate, he [sic] announced that he was doing so because he had at one time served as a State Senator in New York.

In view of that precedent, and the absence of any clear policy directive, please provide the reasons you have for disqualifying yourself from reviewing the Texas Congressional Redistricting Plan under the Voting Rights Act.

With respect to the Texas Congressional map that the Voting Rights Section precleared under Section 5 of the Voting Rights Act on December 19, 2003, please provide responses, including requested materials, to the following questions. To the extent that you are unable to respond to these questions because of your recusal, please designate an individual within the Division with the knowledge and the authority to provide proper responses and direct that individual to respond.

RESPONSE

I cannot speak to the Department's review of the Texas redistricting as I am recused from that matter. It is my understanding that the Department's long-standing policy, followed by many Administrations, is that reasons for recusal are not disclosed. This case was handled by my Principal Deputy, Sheldon Bradshaw, and the career staff of our Voting Section. Mr. Bradshaw will provide information under separate cover in response to your specific questions (numbered 9, 10, and 11) regarding the Texas redistricting.

9. *Joseph Rich Signature Issue*

Isn't it the normal practice of the Voting Rights Section that the Division Chief signs preclearance letters? Joseph Rich, the Chief of the Section, did not sign the Texas December 19th preclearance letter. Instead, it was signed by Mr. Sheldon Bradshaw. Can you explain why Mr. Bradshaw, a political appointee, signed the letter instead of Mr. Rich, the division chief?

RESPONSE

See answer to Question 8, *supra*.

10. *Voting Section Texas Memorandum*

It has been the usual practice of the Voting Section of the Civil Rights division over the last 38 years to release, pursuant to a request under the Freedom of Information Act, copies of memoranda prepared by the Voting Section career attorneys in connection with preclearance submissions made by covered jurisdictions. A FOIA case was made for the memorandum prepared by the staff of the Voting Section in which the staff reportedly recommended an objection to the Texas congressional redistricting plan. In an unprecedented ruling, the Civil Rights Division leadership instructed the Office of Privacy and Freedom Information not to release the memorandum. What were the legal and factual basis for this decision?

The chief FOIA officer in your division, Mr. Nelson Hermanilla, recently informed an interested citizen that the professional staff of the Voting Rights Section prepared a 73-page memorandum regarding the decision to preclear the Texas plan. It appears that the professional staff, the experts who spent the most time studying the Texas submission, had a lot to say about the State of Texas' submission. In contrast, the letter from Mr. Bradshaw, the political appointee, is only three paragraphs. Does this suggest to you that the professional staff might have objected to all or part of the Texas submission?

We are formally requesting that you submit this memorandum to this Committee forthwith.

RESPONSE

See answer to Question 8, *supra*.

11. *Gag Order*

For the first time in the history of the enforcement of the Voting Rights Act, a gag order was imposed on attorneys in the Voting Section who handled the Texas congressional redistricting submission. This gag order was so strict that career attorneys were not even permitted to talk with one another about the plan, a practice they have engaged in for years in an effort to explore the factual and legal issues that can accompany a redistricting submission. Did you approve this gag order and if not who did? Also, why was it imposed? More generally, is it a common practice in the Civil Rights Division to prevent attorneys from communicating with each other?

RESPONSE

See answer to Question 8, *supra*.

12. *Other Voting Rights Act Activities*

Please indicate the number of times, since beginning of the Bush Administration, that a recommendation by the career staff of the Voting Rights Section of the Division on any submission by a State or locality under Section 5 of the Voting Rights Act has been reversed, modified, or disregarded by one or more of the Division's political appointee officials. Please include: (a) all instances where approval was recommended but the Division's political appointees disapproved the submitted change or sought more information; (b) all instances where the career staff recommended that a submission be disapproved, and the Divisions [sic] political appointees approved it; (c) all instances where

the career staff recommended that more information be sought from the submitting jurisdiction, yet the political appointees approved the submission without obtaining further information; and (d) all instances where the Division's political appointees sought additional information not requested by career staff. Please specify separately the number of instances in each of these categories.

RESPONSE

This question seeks information and materials which reflect the Division's internal decision-making processes. Such deliberative materials are privileged and cannot be disclosed. Indeed, the routine disclosure of such deliberative materials would chill the Division's attorneys from providing the candid, independent, and professional analysis and judgment essential to just and effective law enforcement.

13. *Voting Rights Act Reauthorization*

Section 5 of the Voting Rights Act will be up for reauthorization in 2007. Could you detail the administration's position on reauthorization. Do you agree that it should be reauthorized? Have you identified any changes you believe are necessary? Does the administration believe any changes are necessary?

Identify the name and filing date of each case alleging a Voting Rights Act violation(s) that the Civil Rights Division has filed under the current Administration.

Identify the name and filing date of each case alleging vote dilution under Section 2 of the Voting Rights Act that the Civil Rights Division has filed under the current Administration.

Identify the number of times under the current Administration that the Assistant Attorney General (or the individual designated to act as Assistant Attorney General) has not agreed with the recommendation of the Voting Section to interpose a Section 5 objection.

Identify the number of times under the current Administration that the Assistant Attorney General (or the individual designated to act as Assistant Attorney General) has not agreed with the recommendation of the Voting Section to bring a lawsuit.

Identify the number of times under the current Administration that the Assistant Attorney General (or the individual designated to act as Assistant Attorney General) has

disagreed with the recommendation of the Voting Section to cover an election. Please list the cases and reasons for the failure to follow the recommendations of the career staff.

For every recommendation made by the Voting Section in 2002 and 2003 to bring a Section 2 vote dilution lawsuit, identify the number of days that elapsed between the date the recommendation was first received by the "front office" (or, if that date cannot be identified, the date of the recommendation in the I-Memo) and the date that Assistant Attorney General (or the individual designated to act as Assistant Attorney General) either approved or disapproved the recommendation. To the extent that there are recommendations made in 2002 or 2003 which are still pending, indicate how long those recommendations have been pending.

RESPONSE

The Executive Branch speaks with one voice when discussing the merits of a particular item of legislation, and if presented with legislation regarding reauthorization would comment at the appropriate time and in the appropriate manner.

We are providing a list, as requested, of all cases or other matters that have been filed or where a judgment, consent order, or other agreement was obtained by the current Administration for Voting Rights Act violations, including Section 2 vote dilution cases. A list is also being provided of the number of OPM election observers and Division staff sent to monitor and observe elections by the Division.

Since January 20, 2001, the Civil Rights Division has either filed or obtained resolutions in fifteen cases alleging a violation of the Voting Rights Act. Cases stating a claim under Section 2 are indicated in bold. Each has been resolved by consent decree or litigated judgment. They are:

Case name	District	Filed	Method of resolution	Date
United States v. Ventura County	C.D. Cal	8/4/04	Consent decree	9/2/04
United States v. Yakima County	E.D. WA	7/6/04	Consent decree	9/7/04
United States v. Suffolk County	E.D.N.Y.	6/29/04	Consent decree	10/4/04
United States v. San Diego County	S.D. Cal	6/23/04	Consent decree	7/7/04
United States v. San Benito County	N.D. Cal	5/26/04	Consent decree	10/1/04

United States v. Brentwood School District	E.D.N.Y.	6/04/03	Consent decree	7/14/03
United States v. Berks County	E.D. Pa.	2/25/03	Judgment for United States	8/21/03
United States v. Osceola County	M.D. Fla.	6/28/02	Consent decree	7/22/02
United States v. Orange County	M.D. Fla.	6/28/02	Consent decree	10/09/02
United States v. Miami-Dade County	S.D. Fla.	6/17/02	Consent decree	6/17/02
United States v. Alamosa County	D. Col.	11/21/01	Judgment for defendants	11/26/03
United States v. Crockett County	W.D. Tenn.	4/17/01	Consent decree	4/17/01
United States v. Charleston County Council	D. S.C.	1/17/01	Judgment for United States	3/06/03
United States v. Upper San Gabriel Valley Mun. Water Dist.	C.D. Cal.	9/21/00	Dismissed as moot with adoption of new plan	6/13/03
United States v. City of Santa Paula	C.D. Cal.	4/06/00	Settlement agreement	10/24/01
United States v. Blaine County	D. Mont.	11/16/99	Judgment for United States	3/21/03

During this same time period, two other Voting Rights Act lawsuits were approved for filing but the defendants agreed to settlements remedying the violations without litigation: a Section 2 lawsuit against the Chelsea, Massachusetts School District, and a Section 203 case against the Harris County, Texas Board of Elections.

In addition, eight other voting rights lawsuits were filed in this period: four cases alleging violations of the National Voter Registration Act (NVRA) in St. Louis, Missouri; Tennessee; Pulaski County, Arkansas; and New York; and four cases alleging violations of the Uniformed and Overseas Absentee Voting Act (UOCAVA): Texas, Oklahoma, Pennsylvania and Georgia. All of these cases were resolved either by consent decrees or court order with the exception of the New York NVRA case which is in litigation. Two other NVRA lawsuits were authorized but not filed after the potential defendants remedied their violations before the onset of litigation.

Since January 20, 2001, the Civil Rights Division has also obtained or requested extensions of expiring consent decrees previously obtained in five actions filed under the Voting Rights Act. They are:

Case name	District	Filed	Method of resolution	Date Extended
United States v. Socorro County	D.N.M.	10/22/93	Consent decree	7/13/04
United States v. Hamtramck	E.D. Mich.	8/04/00	Consent decree	1/28/04
United States v. Passaic County and City of Passaic	D.N.J.	6/02/99	Consent decree	4/12/04
United States v. Bernallilo County	D.N.M.	2/06/98	Consent decree	7/01/03
United States v. Socorro County	D.N.M.	10/22/93	Consent decree	3/19/04
United States v. Cibola County	D.N.M.	9/20/93	Consent decree	5/3/04

With respect to election monitoring by observers from the Office of Personnel Management (OPM) authorized under Section 3(a) or Section 6 of the Voting Rights Act, as well as election monitoring by Division staff, the following information is provided:

CY	States	Political Subdivisions	Elections	OPM Observers	DOJ Staff
2001	12	19	31	396	128
2002	17	40	60	608	221
2003	14	26	42	380	136
2004	19	66	72	467	260

The numbers for 2004 are partial and do not include the monitoring scheduled for November, 2004. The number of elections listed reflects separate elections covered in different jurisdictions even though the elections were held on the same date. For example, while all jurisdictions had their 2002 general election on November 5, the total includes each jurisdiction where the Division had monitors as a separate election.

The balance of your questions repeats your earlier inquiries into privileged matters regarding the Division's deliberative processes, which the Department cannot disclose. As noted, the

routine disclosure of such deliberative materials would chill the Division's attorneys' ability to provide the candid, independent, and professional analysis and judgment essential to just and effective law enforcement.

14. *Law Enforcement Accountability*

We have heard concerns that there has been retrenchment in the area of pattern and practice enforcement under Section 14141. With the notable exception of Detroit, the Division has entered a series of agreements that lack "substantial compliance" requirements, most recently in Prince George's County Maryland. Why have you departed from the 5 year consent decree, with 2 year substantial compliance, model that was followed in the past? In some place, like Cincinnati, where there was violence, there is no requirement of substantial compliance in the agreement. Please explain the justification for this departure from past practice.

RESPONSE

The Department is committed to ensuring that police departments do not engage in a pattern or practice of violating citizens' civil rights. The Department's priority is to fix the problem, not the blame. The Department endeavors to work with jurisdictions to address law enforcement issues.

The Administration has not only maintained, but in fact has significantly expanded the Department of Justice's enforcement activity under Section 14141. Since 2001, the Division has successfully resolved 14 pattern or practice matters under Section 14141, a significant increase over a comparable period during the prior three-year period. Of these, four were resolved by Consent Decree, which also represents an increase over the prior three-year period.

With regard specifically to the issue of substantial compliance, we are confident that each of our resolutions, tailored to the specific case, contains the compliance requirements necessary to effect lasting and effective law enforcement improvements in that jurisdiction.

15. *Tulia, TX, Drug Sting*

What happened to the Civil Rights Division investigation into events taking place in 1999 in Tulia, Texas?

What has the Civil Rights Division done, if anything, to provide oversight of the Edward Byrne Memorial Fund, the fund that underwrote the Tulia drug sting.

What has the Civil Rights Division recommended to the Edward Byrne Memorial Fund regarding racial profiling? What recommendations has the Division made with respect to steps that DOJ can take to hold local police departments accountable for their use of these types of funds?

RESPONSE

The Civil Rights Division is investigating the 1999 events in Tulia, Texas. That investigation remains active and ongoing today. The Edward Byrne Memorial Fund is administered by the Office of Justice Programs, not by the Civil Rights Division.

16. *Warren, Ohio, Case*

What is the status of the Warren, Ohio, Police Department investigation?

RESPONSE

We have not, to date, received a request to open, nor have we opened, an investigation into the Warren, Ohio, Police Department. However, we are conducting a preliminary inquiry to determine whether a full pattern or practice investigation is warranted pursuant to 42 U.S.C. § 14141.

17. *United States v. City of Buffalo*

In that case, the court ordered the City to develop a valid police examination and entered a remedial applicant flow hiring order which was to remain in effect until the City developed such a test. Despite the fact that the City to this date has not shown the validity of its police exam, the Justice Department has now reversed its earlier positions in this case. The Department is now contending that the order of the court should be dissolved, irrespective of the validity of the examination or whether the exam in future applications would have an adverse impact and filed a motion with the intent to do so.

Could you please explain why the Department has now changed its position on the need to show the validity of the examination before dissolving the decree? What prompted this reversal in the Department of Justice's litigation in this matter?

DOJ filed an appeal to the Second Circuit of Judge Curtin's rejection of DOJ's argument that the remedial applicant flow hiring order and the requirement of a valid selection process was unconstitutional race conscious relief. Is it true that DOJ withdrew last month?

It is our understanding that the Department of Justice is also contending that a continuation of this applicant flow order or the hiring individuals who were to be hired pursuant to this order violates both Title VII and the United States Constitution.

In this case, Judge Curtin's June 18, 2002, order stated that "because the Government appears to have changed its position and now asserts that any appointment according to the shortfall agreement would be contrary to statute and unconstitutional, briefs shall be filed as to this problem."

Would you agree that U.S. Supreme Court's articulation that the benefits of diversity "are not theoretical but real" and that "major American businesses have made clear that the skills needed in today's increasingly global marketplace can only be developed through exposure to widely diverse people, cultures, ideas, and viewpoints" in *Grutter v. Bollinger*, 539 U.S. 306, 334 (2003) supports the legality of the valid selection process requirement in the Buffalo case?

Insofar as there have been no intervening Supreme Court decisions having a direct bearing on this litigation, this appears to be a strictly a [sic] policy switch within the Justice Department. Could you please describe to the Subcommittee what precipitated this change?

Can you tell the Committee if DOJ has taken this position in any other pending litigation where they are a party or if the Department plans on doing so in the future?

RESPONSE

The Department's position in this matter has been entirely consistent. *United States v. Buffalo* is a 25-year-old case in which the United States successfully argued that the City's selection device for police officers and firefighters had a disparate impact against Blacks, Hispanics, and women in violation of Title VII of the Civil Rights Act of 1964. The United States' goal throughout the litigation has been to properly enforce Title VII, and the disparate impact demonstrated by the United States is a legal predicate to relief in that matter under Title VII.

In 1989, the United States District Court for the Western District of New York entered an "applicant flow order," requiring the City to hire a certain percentage of Black, Hispanic, and female police officers and firefighters, pending its development of a test that did not unlawfully discriminate against those groups. As we pointed out in our papers, and as all the parties agreed, parity in employment was reached in the Buffalo Police Department in 1989. Subsequently, all of the parties in the case, including the Afro-American Police Association, agreed that the written

test no longer resulted in a disparate impact against Blacks, Hispanics, or women. In view of the fact that the legal predicate for further equitable relief no longer existed, Title VII dictated, and the United States therefore represented, that the City's use of its scoring model did not, and indeed could not, illegally discriminate against those groups. A test's validity cannot be put at issue where, as in that case, the objected to procedure does not result in a disparate impact.

The Court agreed with the parties that the written test used by the City to select police officers did not have a disparate impact against Blacks, Hispanics, or women. The Court also ended the prospective application of its applicant flow order to the eligible list that resulted from the written examination. However, the Court did require the City to make up a historical shortfall of seven Black police officers who would have been hired had the City complied with the Court's applicant flow order.

The United States filed a protective notice of appeal of that decision but subsequently withdrew that notice.

It is true that Judge Curtin's June 18, 2002, order stated that "because the Government appears to have changed its position and now asserts that any appointment according to the shortfall agreement would be contrary to statute and unconstitutional, briefs shall be filed as to this problem." The Judge's observation simply records the fact that previously, when the legal predicate for equitable relief was satisfied, the United States argued for such relief, but that when the legal predicate no longer was satisfied, the United States no longer argued for it. The Judge's comment thus should not be interpreted to reflect a change in policy.

With regard to the Supreme Court's decision in *Grutter v. Bollinger*, your question mixes dissimilar points of law. The issue in *Buffalo* was whether Title VII allows equitable relief from a selection method following a judicial finding of discrimination. At issue in *Grutter* was the constitutionality of a race-conscious higher education admissions process in the absence of such a finding. Accordingly, where a judicial finding of discrimination has been made, race conscious relief is permitted irrespective of whether the *Grutter* standard is satisfied.

Our only interest in the resolution of such cases is the proper enforcement of Title VII. In this context, this is best demonstrated by the fact that, while we have adopted the previously discussed position in *United States v. City of Buffalo* (Police), in its companion cases *United States v. City of Buffalo* (Fire), we continue to challenge the City's written firefighter exam under Title VII.

18. Cross Burnings

Could you supply the members of the Committee with a detailed docket on your cross burning cases?

RESPONSE

As mentioned in the hearing, we have prosecuted more than 40 defendants for cross burning. The chart in Attachment D contains a summary of these cases.

19. *GAO Study*

We wish to reiterate Rep. Nadler's concerns expressed during our hearing concerning cooperation with requests from the General Accounting Office. We appreciate your commitment that you will take steps to ensure timely cooperation with the General Accounting Office in its work. GAO is an arm of Congress and each request should be treated as coming from the Members themselves. Please keep us informed of your efforts to ensure appropriate cooperation with the General Accounting Office.

RESPONSE

We are committed to working with the GAO in its inquiries, and will cooperate in the appropriate manner.

20. *Persons With Limited English Proficiency*

During your confirmation hearing, the committee discussed the responsibility of the Civil Rights Divisions [sic] implementation of Executive Order 13166 and its guidance, Improving Services to Services for Persons with Limited English Proficiency. Since your confirmation, there have been a number of guidances [sic] that have been published that conform to the DOJ guidance that was developed under your leadership. On August 8, 2003, prior to your confirmation, The Department of Health and Human Services issued its revised guidance for comment under EO 13166. Comments on the HHS Guidance were due on January 6, 2004. It is our understanding that many of the comments that were submitted to HHS claimed that HHS guidance did not conform to the DOJ Guidance. Based on the comments received, has HHS submitted a revised guidance to your office for approval and when do you expect the final HHS guidance will be published in the Federal Register? If not, what time frame have you established with HHS to submit a revised draft guidance to your office responding to those comments?

RESPONSE

We will provide our response to this question under separate cover.

21. *Positions Before the U.S. Supreme Court:*

How does your office interface with other enforcement agencies, particularly the EEOC, on government positions taken before the U.S. Supreme Court?

What dictates a decision to oppose other enforcement agency positions, such as the EEOC, on positions argued before the U.S. Supreme Court?

For example, in *Costa v. Desert Palace*, the EEOC and the Solicitor General advocated opposite positions. Was the SG's position consistent with your office's recommendation in this case?

In the constructive discharge case currently before the U.S. Supreme Court, *Pennsylvania State Police v. Suders*, what position did your office recommend to the SG?

RESPONSE

The Solicitor General's Office is responsible for determining the position taken by the United States before the United States Supreme Court. In reaching its decision, the Solicitor General may seek the input of this Division, or any other involved department, agency, or office.

It is the policy of the Department of Justice not to disclose recommendations made to the Solicitor General, as doing so would compromise the Justice Department's internal deliberation process, and would hinder the frank and candid giving of legal advice necessary for the Department to effectively carry out its obligations.

Attachments

- A. Attorney & Staff Time Logged to Police Misconduct Matters
- B. Attorney & Staff Time Logged to CRIPA Matters
- C. State Attorneys General in States with CRIPA Investigations
- D. Cross Burning Cases
- E. Section-by-Section Docket Information for Lawsuits & Investigations

ATTACHMENT A (POLICE MISCONDUCT)

Fiscal Year	Total Number of Hours Logged by Staff (including Attorneys) on Police Misconduct Matters ¹					Total Number of Attorneys Assigned to one or more Police Misconduct Matters. ²	Fiscal Year	Total Number of Attorneys Assigned to one or more Police Misconduct Matters. ²
	Quarter 1	Quarter 2	Quarter 3	Quarter 4	Total Hours Logged Per FY			
2000					N/A			
2001	5387.25	6456.00	5859.50	5130.75	22833.50	21	36	58%
2002	5437.75	7717.25	7251.50	7404.00	27810.50	28	42	67%
2003	6425.25	7837.00	6879.25	6258.25	27399.75	32	48	67%
2004	5437.25	6202.25				34	55	62%
						32	52	62%

NOTE: The time reporting module ICM became available for Division use in late FY 2000. As such, the first full year of data collection was completed in FY 2001.

1.Criteria used to get Total Hours: Sum of all hours charged to all cases/matters owned by SPL regardless of staff's employment by the SPL or other sections, their title and whether or not they were assigned to the case (and irrespective of their assigned position if they were assigned). These numbers are distinct and add up to the totals. Fiscal Year is checked against the Work Date recorded in Time Reporting Module.

2.Criteria used to get Total Counts: Total Count of Distinct Number of Attorneys that were assigned (at least once) to at least one police misconduct matter during the Fiscal Year. This review was not limited to investigations and cases; it also includes any pre-investigation work done on police misconduct matters. Information is not available by quarter.

3.Criteria used to get Total Counts: Sum of all distinct attorneys who worked in SPL during the fiscal year.

ATTACHMENT B (CRIPA)

Fiscal Year	Total Number of Hours Logged by Staff (including Attorneys) on CRIPA matters ¹					Total Number of Attorneys Assigned to one or more CRIPA Investigations. ²	Fiscal Year
	Quarter 1	Quarter 2	Quarter 3	Quarter 4	Total Hours Logged Per FY	%	
2000					N/A	34	94%
2001	5718.75	8114.75	7933.50	7260.50	29027.50	41	98%
2002	8193.50	12135.75	15340.50	14380.25	50050.00	47	98%
2003	14422.50	15579.50	15706.25	13953.75	59662.00	53	96%
2004	13930.75	14811.25				52	100%

NOTE: The time reporting module ICM became available for Division use in late FY 2000. As such, the first full year of data collection was completed in FY 2001.

1. Criteria used to get Total Hours: Sum of all hours charged to all cases/matters owned by SPL regardless of staff's employment by the SPL or other sections, their title and whether or not they were assigned to the case (and irrespective of their assigned position if they were assigned). These numbers are distinct and add up to the totals. Fiscal Year is checked against the Work Date recorded in Time Reporting Module.
2. Criteria used to get Total Counts: Total Count of Distinct Number of Attorneys that have been that were assigned (at least once) to at least one of the CRIPA cases/matters owned by SPL and OPEN during the Fiscal Year. This review was not limited to investigations and cases; it also includes any pre-investigation work done on CRIPA matters. Information is not available by quarter.
3. Criteria used to get Total Counts: Sum of all distinct attorneys who worked in SPL during the fiscal year.

ATTACHMENT C (STATE ATTORNEYS GENERAL-CRIPA INVESTIGATIONS)

State Name	State Attorney General(s)
ALABAMA	Bill Pryor ('00-04); Troy King ('04-Present)
ARIZONA	Janet Napolitano ('98-'02); Terry Goddard ('02-Present)
ARKANSAS	Mark Pryor ('00-'03); Mike Beebe ('03-Present)
CALIFORNIA	Bill Lockyer ('98-Present)
GEORGIA	Thurbert E. Baker ('00-Present)
INDIANA	Steve Carter ('00-Present)
KENTUCKY	Ben Chandler ('00-'02); Gregory D. Stumbo ('03-Present)
MARYLAND	J. Joseph Curran Jr. ('00-Present)
MASSACHUSETTS	Tom Reilly ('00-Present)
MICHIGAN	Jennifer Granholm ('98-'02); Mike Cox ('02-Present)
MISSISSIPPI	Mike Moore ('87-'03); Jim Hood ('03-Present)
MISSOURI	Jeremiah W. Nixon ('00-Present)
NEVADA	Frankie Sue Del Papa ('90-'02); Brian Sandoval ('02-Present)
NEW JERSEY	John J. Farmer, Jr. ('00-'01); David Samson ('01-'03); Peter C. Harvey ('03-Present)
NEW MEXICO	Patricia A. Madrid ('00-Present)
NEW YORK	Eliot Spitzer ('00-Present)
NORTH CAROLINA	Roy Cooper ('00-Present)
OKLAHOMA	W. A. Drew Edmondson ('00-Present)
SOUTH DAKOTA	Mark Barnett ('00-'02); Larry Long ('02-Present)
TENNESSEE	Paul G. Summers ('00-Present)
VERMONT	William H. Sorrell ('00-Present)
VIRGINIA	Mark Earley ('00-'01); Jerry W. Kilgore ('02-Present)

ATTACHMENT D
CROSS BURNING PROSECUTIONS
(As of October 6, 2004)

<u>Case</u>	<u>Def's</u>	<u>Summary</u>
<u>U.S. v. Grady Allen Carswell</u> (9/28/94) W.D.N.C.	1	One defendant was charged with burning a ten-foot cross on a vacant lot across from the home of an African American family.
<u>U.S. v. Matthew Scudder and James Foster</u> <u>U.S. v. John Doe (Juv.)</u> (9/2/04) E.D. Tenn.	3	Two adults and one juvenile pled guilty to burning a wooden cross on an African American family's lawn.
<u>U.S. v. Johnny Pittman</u> (9/1/04) E.D. Tenn.	1	One defendant pled guilty to burning a cross in front of the residence of a mixed race couple.
<u>U.S. v. Landis</u> (4/13/04) (S.D. Ind.)	1	One defendant pled guilty to erecting and burning a cross in the front yard of an African American couple who lived with their four young children across the street from the defendant.
<u>U.S. v. Ricky Hobbs, Roston Hobbs, Hancock and Kratzer</u> (2/19/04) (E.D.N.C.):	5	In 1999, a six-foot cross was found burning in the yard of an African American family. After the family moved away, the real estate agent who had sold them the home was assaulted. Finally, when a mixed race couple moved into the same neighborhood with their children, a six foot cross was burned in their yard as well. We charged three defendants with conspiracy and a fourth defendant with obstructing justice in connection with investigation. Two of the four defendants have pled guilty for their involvement in the incident. We also obtained a guilty plea from a juvenile who participated in these acts of racial intimidation.
<u>U.S. v. Christopher Easley</u> <u>U.S. v. John Doe (Juvenile)</u> (1/15/04) (E.D. Cal.)	2	An adult and a juvenile pled guilty to burning an eight-foot tall wooden cross at the home of an African American family residing in Anderson, California. The juvenile was sentenced to 12 to 18 months in prison with recommendation time be served in a boot camp facility. The adult was sentenced to 41 months in prison.
<u>U.S. v. Garner, Stacy Jones, Steven Jones, Sims, Sullivan and Wells</u> (12/17/03) (N.D. Ga.)	6	We obtained guilty pleas from six defendants who conspired to burn a five-foot tall cross in the driveway of a home occupied by a white woman. For several days prior to the cross burning, the woman's daughter and her African American boyfriend had been living at the residence. The defendants were sentenced to terms of incarceration ranging from 6 to 46 months.
<u>U.S. v. Lambert and Hatley</u> (4/23/03) (C.D. Ill.)	2	We obtained guilty pleas from two defendants who burned a seven-foot tall cross at the home of an African American family. The defendants were sentenced to over three years in prison. The defendants were sentenced to 24 and 41 months in prison.
<u>U.S. v. Morris and Jordan</u> (2/28/03) (M.D. Ga.)	2	We charged two defendants with burning a four-foot wooden cross on property adjacent to the victims' home in Moultrie, Georgia. One of the defendants has pleaded guilty and was sentenced to 77 months in prison.
<u>U.S. v. White, Sloan and</u>	3	We obtained guilty pleas from three defendants for burning a cross in

<u>Bray</u> (12/30/02) (N.D. Ala.)		the front yard of a home occupied by two white females and one black male. Shortly after the victims awoke to find the burning cross, the glass storm door and the windows of their house were shattered by a shovel. The defendants were sentenced to terms of incarceration ranging from 72 to 138 months.
<u>U.S. v. Robert Dartez, Fuselier, Hammer, Trahan, Harris and Holly Dartez</u> (11/13/02) (W.D. La.)	6	We obtained guilty pleas from six KKK members for burning a five foot high cross at the home of three African American men who had moved into the small town of Longville to seek employment. The defendants drove to the home, pounded the cross into the lawn and lit the gasoline-soaked cross on fire. The defendants were sentenced to terms of incarceration ranging from 12 to 157 months in prison and were also ordered to pay \$1,553 restitution to the victim.
<u>U.S. v. Dodson, Mandrell, Hutto, Gavin</u> (6/19/02) (W.D. Okla.)	4	Four defendants pled guilty to placing three crosses, one of which was on fire, in the yard of the home of an African American woman. The defendants were sentenced to terms of incarceration ranging from 22 to 177 months.
<u>U.S. v. Kay</u> (6/13/02) (W.D. La.)	1	We convicted one defendant for burning a cross in the yard of a white man because a black man visited him. The defendant received four months in prison and four months home detention.
<u>U.S. v. Carroll</u> (2/12/02) (D. Ariz.)	1	We obtained a guilty plea from the defendant, who placed a burned wooden cross in a chain link fence at the residence of a black man who was the first black resident on his street in Cottonwood, Arizona. The defendant was sentenced to 18 months in prison.
<u>U.S. v. Brown</u> (7/17/01) (E.D. Ark.)	1	We obtained a guilty plea from the defendant for burning a cross at the home of an African American woman living in Walnut Ridge, Arkansas, and then engaging in several racially charged incidents directed at the victim and two white male neighbors who witnessed the cross burning. The defendant was sentenced to 12 months in prison.
<u>U.S. v. Anderson, Cobb and Royal</u> (6/28/01) (M.D. Ga.)	3	Three defendants pled guilty to burning a cross outside the home of a black woman, renting a home in a predominantly white neighborhood in Richland, Georgia. One defendant received 18 months in prison, while the other two defendants received 6 months home confinement.
<u>U.S. v. Crites and Two Juveniles</u> (5/18/01) (N.D. Tex.)	3	We convicted one adult and two juveniles for conspiring to burn a cross in the back yard of an African-American couple who lived in Garland, Texas. The adult defendant was sentenced to 22 months in prison while one juvenile was sentenced to 12 months in a juvenile detention facility and the other was sentenced to three years probation.
<u>U.S. v. Thompson, Berry and Bess</u> (4/18/01) (S.D. W. Va.)	3	Three defendants pleaded guilty to conspiring to burn a cross at the home of a woman whose bi-racial grand daughter was staying at her home. One defendant was sentenced to six months home detention; the second was sentenced to 30 days in jail, five months home detention and 3 years probation; and the third defendant was sentenced to pay a \$1,000 fine.
<u>U.S. v. Sullivan</u> (4/18/01) (N.D. Ind.)	1	A defendant pleaded guilty to several acts of intimidation at the home an interracial couple, including erecting a five-foot cross engraved with the letters KKK in the front yard, throwing a bag of flaming feces at the

		porch, and placing a dead animal over the mailbox. The defendant was sentenced to 15 months in prison and \$250 restitution to the victim.
<u>U.S. v. Clark</u> (10/20/00) (E.D. Tenn.)	2	Two defendants pleaded guilty to burning a cross in front of the home of an African-American couple in Chattanooga, Tennessee. One was sentenced to 25 months in prison, and the other to four months in a halfway house and two years probation.

ATTACHMENT E:
Civil Rights Division Docket Information as of May 27, 2004

The following data reflects Civil Rights Division docketing information as of May 27, 2004.

Where appropriate, the number of **Active Cases**, **Active Cases Listed By Jurisdiction**, and number of **Open Matters** are provided.

For the purposes of this response, please note the following definitions:

Active Cases: Litigation matters in which the Division has filed a complaint or other public legal documents on behalf of the United States.

Open Matters: Matters throughout the United States for which the Division has an open file for the purposes of investigations or other functions related to the substantive mission of the Division. These numbers do not include Active or Closed Cases.

As a general rule, it is Department policy to limit discussions of docket data to that which is contained in the public record. Accordingly, it is not appropriate for the Department to provide any specific details pertaining to "Open Matters." (i.e. open investigations). The preceding notwithstanding, we do provide overall numbers of "Open Matters" where relevant in this response.

Appellate Section:

Active Cases: 101

Active Cases Listed By Jurisdiction:

Briefs and substantive papers have been filed by the United States as a party or as *amicus curiae* and are a matter of public record in the following civil rights related matters:

DISTRICT	CASE NAME
ALABAMA - ND	US & LEE V MACON (CLAY CO.)
ALABAMA - ND	JACKSON V BIRMINGHAM BD OF EDUC
CALIFORNIA - CD	US V FERREIRA
CALIFORNIA - CD	US V SALDANA, CAMBERO, & MARTINEZ
CALIFORNIA - CD	CHAVEZ V MARTINEZ
CALIFORNIA - ED	GURU NANAK SIKH SOCIETY V COUNTY OF SUTTER
CALIFORNIA - ND	US V LEWIS
CALIFORNIA - ND	US V POWERS & GARCIA
COLORADO	US V LAVALLEE
CONNECTICUT	US V VASQUEZ
CONNECTICUT	US V GIORDANO
CONNECTICUT	LILLBASK V SERGI
DISTRICT OF COLUMBIA	BARBOUR V WMATA
DISTRICT OF COLUMBIA	CHAPIN V DEPT OF JUSTICE
DISTRICT OF COLUMBIA	MURAKAMI V US
DISTRICT OF COLUMBIA	US V CARD
DISTRICT OF COLUMBIA	US V DEJESUS
FLORIDA - MD	US V WALDON
FLORIDA - MD	US V HENDERSON
FLORIDA - ND	US V FRANKLIN
FLORIDA - SD	JOHNSON V BUSH
FLORIDA - SD	ASS'N FOR DISABLED AMERICANS V FLORIDA INT'L UNIV
FLORIDA - SD	MIDRASH SEPHARDIM V SURFSIDE
FLORIDA - SD	US V RAMOS
GEORGIA - ND	US V BALLINGER
GEORGIA - SD	US V HOOKS
GEORGIA - SD	MILLER V KING
GEORGIA - SD	GOODMAN V RAY
ILLINOIS - ND	RADASZEWSKI V MARAM
ILLINOIS - SD	US V FLOWERS
INDIANA - SD	US V COLVIN
INDIANA - SD	US V BALLINGER
LOUISIANA - ED	US V HARDY, DAVIS, CAUSEY
LOUISIANA - ED	PACE V BOGALUSA

LOUISIANA - ED	AUGUST V MITCHELL
LOUISIANA - ED	JOHNSON V LOUISIANA DEPT OF EDUC
LOUISIANA - WD	US & GRAHAM V EVANGELINE PARISH SCH BD
LOUISIANA - WD	US V FUSELIER
MARYLAND	CHILD EVANGELISM FELLOWSHIP V MONTGOMERY COUNTY PUB SCHS
MARYLAND	US V WILSON
MASSACHUSETTS	US V BAILEY & DONNELLY
MASSACHUSETTS	US V BYRNE
MASSACHUSETTS	US V HOYTS CINEMAS CORP & NAT'L AMUSEMENTS, INC
MICHIGAN - ED	US V UPSHAW
MICHIGAN - ED	US V EDWARD ROSE & SONS
MICHIGAN - ED	US V CITY OF DETROIT
MICHIGAN - WD	COMMUNITIES FOR EQUITY V MHSAA
MICHIGAN - WD	US V WIEGAND (R.)
MINNESOTA	SHERBROOKE TURF, INC V MN DEPT OF TRANSP
MINNESOTA	US V CORUM
MINNESOTA	SABRI V UNITED STATES
MISSISSIPPI - ND	US V HARRIS
MISSISSIPPI - ND	AYERS V MUSGROVE
MONTANA	US V ALLEN, DIXON, POTTER, FLOM, FLAHERTY & HEELEY
MONTANA	GROH V RAMIREZ
NEBRASKA	GROSS SEED CO V NEBRASKA DEPT OF ROADS ET AL
NEW HAMPSHIRE	KIMAN V NH DEPT OF CORR
NEW HAMPSHIRE	US V BRADLEY
NEW JERSEY	CHILD EVANGELISM FELLOWSHIP V STAFFORD TOWNSHIP
NEW JERSEY	US V GARDEN HOMES MGMT CORP
NEW MEXICO	US V FULLER
NEW YORK - SD	US V NYC HOUS AUTH
NEW YORK - SD	US V NASSAU COUNTY
NEW YORK - SD	US V SPACE HUNTERS
NEW YORK - WD	US V PARKER
NEW YORK - WD	US V BUFFALO
NORTH CAROLINA - WD	US V NICHOLS
NORTH CAROLINA - WD	US V MAY
OHIO - ND	HIGBEE CO V CHAPMAN
OHIO - ND	MUHAMMED V OHIO DEPT OF REHAB & CORR
OHIO - ND	GENERAL DYNAMICS LAND SYS INC V CLINE
OHIO - ND	CINEMARK, USA INC V US
OREGON	OREGON PVA V REGAL CINEMAS
PENNSYLVANIA - ED	US V GUADALUPE, STEPTOE & TYLER
PENNSYLVANIA - ED	ATKINSON V LAFAYETTE COLL
PENNSYLVANIA - MD	PA ST POLICE V SUDERS
PENNSYLVANIA - WD	PARDINI V ALLEGHENY INTERMEDIATE UNIT
PUERTO RICO	MARAVILLA V US

SAMOA	US V LEE, ATIMALALA AND SOLIA'I
TENNESSEE - MD	TENNESSEE V LANE
TENNESSEE - WD	US V TENNESSEE
TEXAS - ED	US V WYRICK
TEXAS - ND	MILLER V TEXAS TECH UNIV
TEXAS - SD	US V REYNA
TEXAS - SD	DANNY R V SPRING BRANCH ISD
TEXAS - SD	SPECTOR V NORWEGIAN CRUISE
TEXAS - WD	MEYERS V TEXAS
TEXAS - WD	MCCARTHY V HALE
UTAH	SUSAN BOSWELL V SKYWEST AIRLINES

Coordination and Review Section:

Active Administrative Complaint Investigations: 59

Active Administrative Complaint Investigations By State: Through a Memorandum of Understanding with the Department's Office of Justice Programs, the Coordination and Review Section performs administrative investigations after receiving citizen complaints alleging violations of Title VI of the Civil Rights Act and/or the anti-discrimination provisions of the Crime Control and Safe Streets Act. The data below represents active administrative complaints currently being investigated, listed by State of jurisdiction.

Arkansas	1
Colorado	3
Georgia	1
Michigan	11
Nevada	2
New York	1
North Dakota	1
Pennsylvania	1
Massachusetts	1

Criminal Section:

Open Matters: 1,968

Active Cases: 99

Cases Listed By Judicial District:

DISTRICT	CASE NAME
ALABAMA - MD	US V. DAVIS
ALABAMA - SD	US V. ODOM, ET AL.
ARKANSAS - ED	US V. BINE
CALIFORNIA - CD	US V. JIMENEZ & BURKHALTER
CALIFORNIA - CD	US V. JEWELL
CALIFORNIA - CD	US V. RUBIN AND KRUGEL
CALIFORNIA - CD	US V. TRISAND AND SUTTON
CALIFORNIA - CD	US V. VALLE-MALDONADO, ET AL.
CALIFORNIA - ED	US V. EASELY
CALIFORNIA - ED	US V. JOHN DOE
CALIFORNIA - ND	US V. BARREDDY, ET AL.
CALIFORNIA - ND	US V. LEWIS
CALIFORNIA - SD	US V. GURR AND DASTI
CALIFORNIA - SD	US V. HOLLAND
CALIFORNIA - SD	US V. MOREHOUSE
COLORADO	US V. GUTIERREZ
CONNECTICUT	US V. DIENECOH
CONNECTICUT	US V. TORTORELLA
CONNECTICUT	US V. SASSONE
DISTRICT OF COLUMBIA	US V. FAGAN
DISTRICT OF COLUMBIA	US V. GILBERT
FLORIDA - MD	US V. ALUGUBELLI
FLORIDA - SD	US V. GORDON
FLORIDA - SD	US V. POMPEE
GEORGIA - MD	US V. KZSYMINSKI
GEORGIA - MD	
GEORGIA - ND	US V. GUZMAN, ET AL.
GEORGIA - ND	
GEORGIA - ND	US V. WALKER AND RAMSEY
ILLINOIS - SD	US V. MCCORKLE
LOUISIANA - ED	US V. BODENHEIMER

LOUISIANA - ED	US V. DAVIS, ET AL.
LOUISIANA - WD	US V. SELF
LOUISIANA - WD	US V. WRIGHT
MARYLAND	US V. BLACKWELL, ET AL.
MARYLAND	US V. MUBANG
MARYLAND	US V. UDEOZOR
MARYLAND	US V. WILSON
MASSACHUSETTS	US V. CONLEY
MASSACHUSETTS	US V. LEMOURE AND POLTTO
MICHIGAN - ED	US V. ABRAMS
MICHIGAN - ED	US V. ANDERSON
MICHIGAN - ED	US V. BROWN
MICHIGAN - ED	US V. CARSON, ET AL.
MICHIGAN - ED	US V. MELENDEZ, ET AL.
MISSOURI - WD	US V. HELDENBRAND, ET AL.
NEW JERSEY	US V. JIMENEZ-CALDERON, ET AL.
NEW JERSEY	US V. LOPEZ
NEW JERSEY	US V. SMITH, ET AL.
NEW JERSEY	US V. TANTIROJANAKITAN, ET AL.
NEW JERSEY	US V. TRAKHTENBERG, ET AL.
NEW MEXICO	US V. AVILA
NEW MEXICO	US V. CHAVEZ
NEW MEXICO	US V. GOULD, ET AL.
NEW MEXICO	US V. HERNANDEZ
NEW MEXICO	US V. KITHNE
NEW MEXICO	US V. MCDONALD
NEW YORK - ED	US V. CARRERO, ET AL.
NEW YORK - ED	US V. GROHS, ET AL.
NEW YORK - ED	US V. HANG, ET AL.
NEW YORK - ED	US V. NELSON AND PRICE
NEW YORK - ED	US V. VOFF, ET AL.
NEW YORK - SD	US V. YOKEMICK
NEW YORK - WD	US V. KOPP
NORTH CAROLINA - WD	US V. COLLINS AND GEE
NORTH CAROLINA - ED	US V. JOHN DOE (JUVENILE)
OKLAHOMA - WD	US V. WILD AND GUTERREZ

PENNSYLVANIA - WD	US V. BRISTON
SAMOA	US V. LEE, ET AL.
TENNESSEE - MD	US V. BRADLEY
TENNESSEE - MD	US V. WESTMORELAND
TENNESSEE - WD	US V. LEWIS, ET AL.
TEXAS – ED	US V. WYRICK
TEXAS – ND	US V. MURILLO
TEXAS – SD	US V. SIPE
TEXAS – WD	US V. AGUILAR
TEXAS – WD	US V. CALZADA AND DURAN
TEXAS – WD	US V. TREVINO
WEST VIRGINIA - SD	US V. PEEPLES AND MILLER

Disability Rights Section:

Open Matters: 2,024

Active Cases: 75

Active Cases Listed By Judicial District:

DISTRICT	CASE NAME
ALABAMA - MD	WYATT V. SAWYER
ARIZONA	BOURDON V DR. SCOTT T. CROFT AZ
CALIFORNIA - CD	UNITED STATES V AMERICAN MULTI-CINEMA, INC.
CALIFORNIA - ND	DAVIS ET AL V. CALIFORNIA HEALTH AND HUMAN SERVICES AGENCY
CALIFORNIA - ND	BARDEN V CITY OF SACRAMENTO
CALIFORNIA - ND	ARNOLD V. UNITED ARTISTS THEATRE CIRCUIT
CALIFORNIA - ND	PADILLA V RYAN
COLORADO	US V CITY OF STEAMBOAT SPRINGS CO
COLORADO	US V THE CITY/COUNTY OF DENVER
CONNECTICUT	ORTIZ V NEW BRITAIN GENERAL CT
CONNECTICUT	VASQUES V CLEARLY HOSPITAL CT
CONNECTICUT	HICKS V ARMSTRONG
D.C.	MILLER V DISTRICT OF COLUMBIA
FLORIDA - SD	COLUMBIA/HCA-ACCESS NOW, INC. V AMBULATORY SURGERY CENTER
FLORIDA - SD	ASS'N FOR DISABLED AMERICANS V FLORIDA INT'L UNIV.
GEORGIA - ND	ROOT V STATE OF GA EXAMINING BDS DIV
GEORGIA - SD	MILLER V KING
HAWAII	BURNS V CHANDLER
HAWAII	US V. PLEASANT TRAVEL SERVICE AND HAWAIIAN HOTELS AND RESORT
HAWAII	THOMAS V NAKATANI
ILLINOIS - ND	BOUDREAU V RYAN
ILLINOIS - ND	RADASZEWSKI V GARNER
ILLINOIS - ND	ERICKSON V BD. OF GOVERNORS
ILLINOIS - SD	HIGGINS V GALLANT INS GROUP
INDIANA - SD	BARNETT V TOP CHINA BUFFET
KANSAS	MARTIN V KANSAS
MARYLAND	DOJ V GIORGIO'S RESTAURANT MD
MARYLAND	WILLIAMS V WASSERMAN MD
MARYLAND	PROJECT LIFE, ET AL. V PARRIS GLENDENING, MD PORT AUTHORITY,
MARYLAND	WESSEL V. GLENDENING
MASSACHUSETTS	MCGUIRE V HOYT'S THEATER CROSSGATE MALL
MASSACHUSETTS	SWANSON, NORTHEAST INDEPENDENT LIVING PROGRAM, INC. VS DIAM
MASSACHUSETTS	DECK V NATIONAL AMUSEMENTS, INC.

MASSACHUSETTS	U.S. V COMMONWEALTH OF MASSACHUSETTS
MASSACHUSETTS	SWANSON & NORTHEAST INDEPENDENT LIVING PROGRAM VS CITY
MISSISSIPPI - SD	U.S. V. MISSISSIPPI HIGHWAY PATROL
NEBRASKA	JOHN DOE, ET AL. V STATE OF NEBRASKA
NEW HAMPSHIRE	KIMAN V. STATE OF NH DOC
NEW JERSEY	BOWERS V NCAA
NEW JERSEY	MASTROGIOVANNI V KAMINSKI'S NJ
NEW JERSEY	JEFFREYS V STATE OF NJ
NEW JERSEY	HALLEN V UNION BEACH BOARD OF ED NJ
NEW JERSEY	CHISOLM V MCMANIMON
NEW MEXICO	K.L. V VALDEZ
NEW YORK - ED	HENRIETTA D V GUILIANI
NEW YORK - ED	DISABILITY ADVOCATES V. PATAKI, ET AL.
NEW YORK - ND	JACKAN V NEW YORK
NEW YORK - ND	MEINEKER V HOYTS
NEW YORK - ND	KILKULLEN V NY DEPT. OF LABOR
NEW YORK - SD	RADIO CITY MUSIC HALL
NEW YORK - SD	US V. NEW YORK CITY (YANKEE STADIUM)
NEW YORK - WD	ANDERSON V ROCHESTER-GENESEE
N.CAROLINA - ED	JAMES V PETER PAN TRANSIT MANAGEMENT SERVICES NC
N.CAROLINA - ED	JAMES V CITY OF RALEIGH NC
OHIO - ND	ABILITY CENTER OF GREATER TOLEDO V CITY OF SANDUSKY
OREGON	OREGON PVA V REGAL CINEMAS
OREGON	MIRANDA B. V KITZHABER
PENNSYLVANIA - ED	COTE V ELECTRIC FACTORY CONCERTS
PENNSYLVANIA - WD	SHIRLEY V. SFX ENTERTAINMENT
PENNSYLVANIA - WD	MCALLEESE V PA DEPT OF CORRECTION
PENNSYLVANIA - WD	BARRIER BUSTERS V CITY OF ERIE
PUERTO RICO	RESTRO ORTIZ V COMMONWEALTH OF PUERTO RICO
SOUTH CAROLINA	ROGERS V DEPT' OF HEALTH
TENNESSEE - ED	STEPHENS V UNIVERSITY OF TN
TENNESSEE - MD	NEWBERRY V. MENKE
TENNESSEE - WD	UNITED STATES V CENTURY MANAGEMENT LLC
TENNESSEE - WD	HALL V METRO SERVICES, INC., FORMERLY THE BETTE BUS SHUTTLE
TENNESSEE - WD	U.S. V WEAKLEY COUNTY TN
TEXAS - SD	SPECTOR V NORWEGIAN CRUISE
TEXAS - SD	US V CINEMARK, USA INC.
TEXAS - SD	US V NORWEGIAN CRUISE LINES TX
TEXAS - SD	SIMMONS V TEX DEPT OF CRIM JUSTICE
TEXAS - WD	MEYERS V TEXAS
TEXAS - WD	MCCARTHY V HALE
WASHINGTON - ED	SAVE OUR SUMMERS V WASH

Educational Opportunities Section:

Open Matters: 34

Active Cases: 380

Active Cases Listed By Jurisdiction:

ALABAMA - MD	LEE & U.S. V ELMORE CO. S.D.
ALABAMA - MD	U.S. & FRANKLIN V BARBOUR CO. BOE
ALABAMA - MD	U.S. V LEE CO. S.D.
ALABAMA - MD	U.S. V RANDOLPH CO. S.D.
ALABAMA - MD	U.S. & LEE V HENRY CO. S.D.
ALABAMA - MD	LEE & U.S. V COVINGTON CO. S.D.
ALABAMA - MD	U.S. V RANDOLPH CO. S.D.
ALABAMA - MD	U.S. V PIKE CO. S.D.
ALABAMA - MD	U.S. V PHENIX (RUSSELL CO.)
ALABAMA - MD	LEE & U.S. V ROANOKE CITY BOE (RANDOLPH CO.) S.D.
ALABAMA - MD	U.S. & LEE V. MACON CO (SPECIAL ED)
ALABAMA - MD	U.S. V AUTAUGA CO. S.D.
ALABAMA - MD	LEE & U.S. V. ENTERPRISE STATE JUNIOR
ALABAMA - MD	LEE & U.S. V. DOUGLAS MACARTHUR STATE
ALABAMA - MD	HARRIS & U.S. V CRENSHAW CO. BOE
ALABAMA - ND	BENNETT & U.S. V. MADISON CT BOE
ALABAMA - ND	LEE & U.S. V. PELL CITY BOE
ALABAMA - ND	US & STOUT V. HOMEWOOD CITY SCH SYSTEM
ALABAMA - ND	U.S. & STOUT V. HOOVER (JEFFERSON CT)
ALABAMA - ND	U.S. V ANNISTON CITY BOE (CALHOUN CO.)

ALABAMA - ND	U.S. V TUSCALOOSA CO.
ALABAMA - ND	U.S. V SUMTER CO. S.D.
ALABAMA - ND	U.S. V CALHOUN CO. S.D.
ALABAMA - ND	U.S. & HORTON V LAWRENCE CO. BOE
ALABAMA - ND	U.S. V JACKSON CO.
ALABAMA - ND	BROWN & U.S. V BESSEMER
ALABAMA - ND	U.S. V FORT PAYNE CITY SCH SYS
ALABAMA - ND	U.S. V LIMESTONE CO.
ALABAMA - ND	LEE & U.S. V PICKENS CO.
ALABAMA - ND	U.S. V RUSSELLVILLE (FRANKLIN CO.)
ALABAMA - ND	LEE & U.S. V BIBB CO. S.D.
ALABAMA - ND	LEE & U.S. V SHELBY CO. S.D.
ALABAMA - ND	LEE & U.S. V CLEBURNE CO. S.D.
ALABAMA - ND	LEE & U.S. V. ATHENS CITY (LIMESTONE CO)
ALABAMA - ND	U.S. & LEE V. DECATUR CITY
ALABAMA - ND	U.S. V TUSCUMBIA (COLBERT CO.)
ALABAMA - ND	U.S. V TARRANT (JEFFERSON CO.)
ALABAMA - ND	LEE & U.S. V SHEFFIELD (COLBERT CO.)
ALABAMA - ND	LEE & U.S. V ATTALLA (ETOWAH CO.)
ALABAMA - ND	LEE & US V COLBERT CO. S.D.
ALABAMA - ND	U.S. V CHEROKEE CO. S.D.
ALABAMA - ND	LEE & U.S. V CLAY CO. S.D.
ALABAMA - ND	U.S. V BLOUNT CO. S.D.
ALABAMA - ND	U.S. V DEKALB CO. S.D.
ALABAMA - ND	U.S. V CARBON HILL (WALKER CO.)S.D.
ALABAMA - ND	U.S. V MORGAN CO. S.D.
ALABAMA - ND	U.S. V ETOWAH CO. S.D.
ALABAMA - ND	U.S. V JACKSONVILLE (CALHOUN CO.)
ALABAMA - ND	U.S. & STOUT V JEFFERSON S.D.
ALABAMA - ND	U.S. V LAMAR CO. S.D.
ALABAMA - ND	U.S. V MARION CO. S.D.
ALABAMA - ND	LEE & U.S. V FAYETTE CO. S.D.
ALABAMA - ND	U.S. V FLORENCE CO. S.D.
ALABAMA - ND	U.S. V FRANKLIN CO. S.D.
ALABAMA - ND	U.S. V LAUDERDALE CO.
ALABAMA - ND	U.S. V MARSHALL CO.
ALABAMA - ND	U.S. V GUNTERVILLE (MARSHALL CO.)
ALABAMA - ND	U.S. V CULLMAN (CULLMAN CO.)
ALABAMA - ND	U.S. V PIEDMONT (CALHOUN CO.)
ALABAMA - ND	U.S. V SCOTTSBORO (JACKSON CO.)S.D.
ALABAMA - ND	U.S. V WINFIELD (MARION CO.)
ALABAMA - ND	U.S. V MOUNTAIN BROOK (JEFF CO.)
ALABAMA - ND	LEE & U.S. V ONEONTA (BLOUNT CO.)
ALABAMA - ND	U.S. V OXFORD CITY BOE (CALHOUN CO.)
ALABAMA - ND	U.S. V ST. CLAIR CO. S.D.
ALABAMA - ND	U.S. & MILLER V. GADSDEN
ALABAMA - ND	U.S. & BOYKINS V BOE CITY FAIRFIELD
ALABAMA - ND	LEE & U.S. V CULLMAN CO S.D.

ALABAMA - SD	U.S. V CHOCTAW CO. BOE
ARIZONA	FISHER & U.S. V. TUCSON S.D.
ARIZONA	U.S.& CASTRO V. PHOENIX UNIFIED S.D.
ARKANSAS - ED	U.S. V. COTTON PLANT (ENGLAND #2)
ARKANSAS - ED	U.S. V CRAWFORDVILLE S.D. # 2
ARKANSAS - ED	U.S. V. WATSON CHAPEL S.D. # 24
ARKANSAS - WD	U.S. V HERMITAGE S.D. # 12
ARKANSAS - WD	U.S. V. BRADLEY (THORNTON #26)
ARKANSAS - WD	U.S. V JUNCTION CITY S.D. # 75
ARKANSAS - WD	U.S. V BRADLEY SCH DIST # 20 ET AL
ARKANSAS - WD	U.S. V LOVETT (WARREN S.D. #.1)
CALIFORNIA - ED	LAU V. HOPP
CALIFORNIA - ED	U.S. V BAKERSFIELD S.D.
CALIFORNIA - ND	LARRY P V WILSON RILES, SUPT.
COLORADO	CHE & U.S. V. SCH DIST NO. 1, DENVER, CO
CONNECTICUT	U.S. V BOE OF WATERBURY
FLORIDA - MD	U.S. V PASCO CO.
FLORIDA - MD	U.S. V SEMINOLE CO. S.D.
FLORIDA - MD	U.S. V FLAGLER CO.
FLORIDA - MD	U.S. V BRADFORD CO.
FLORIDA - MD	U.S. V ST. JOHNS CO.
FLORIDA - MD	U.S. V BAKER CO., ET AL
FLORIDA - MD	U.S. V MARION CO. S.D.
FLORIDA - ND	U.S. V. GADSDEN (LAFAYETTE CO. S.D.)
FLORIDA - ND	U.S. V. GADSDEN (GULF CO. S.D.)
FLORIDA - ND	U.S. V. GADSDEN CO. (WAKULLA CO. S.D.)
FLORIDA - ND	U.S. & YOUNGBLOOD V BD PUBLIC INSTRU
FLORIDA - ND	U.S. V. GADSDEN CO. (JEFFERSON CO. S.D.)
FLORIDA - ND	U.S. V. GADSDEN CO. (JACKSON CO. S.D.)
FLORIDA - SD	U.S. V HENDRY CO. S.D.
GEORGIA - MD	U.S. V MITCHELL CO.(BACONTON CHARTER SCH)
GEORGIA - MD	U.S. V BAKER CO.
GEORGIA - MD	U.S. V IRWIN CO. S.D.
GEORGIA - MD	U.S. V THOMAS CO. S.D.
GEORGIA - MD	U.S. V MILLER CO. S.D.
GEORGIA - MD	U.S. V TERRELL CO. S.D.
GEORGIA - MD	U.S. V BOE WEBSTER CO. S.D.
GEORGIA - MD	U.S. V BALDWIN CO.
GEORGIA - MD	U.S. V GRADY CO. S.D.
GEORGIA - MD	U.S. V HANCOCK CO. S.D.
GEORGIA - MD	U.S. V CLAY CO. S.D.
GEORGIA - MD	U.S. V CALHOUN CO. S.D.
GEORGIA - MD	U.S. V EARLY CO. S.D.
GEORGIA - MD	U.S. V BEN HILL CO. S.D.
GEORGIA - MD	U.S. V BOE CRISP CO. S.D.
GEORGIA - MD	U.S. V. TAYLOR CO. S.D. (GA.)
GEORGIA - MD	U.S. V BOE OF DECATUR CO.
GEORGIA - MD	U.S. V QUITMAN CO. S.D.

GEORGIA - MD	U.S. V RANDOLPH CO. S.D. (GA.)
GEORGIA - MD	U.S. V MARION CO. S.D.
GEORGIA - MD	U.S. V SUMTER CO (AMERICUS CTY S.D.)
GEORGIA - MD	U.S. V BROOKS CO. S.D.
GEORGIA - MD	U.S. V DOOLY CO. S.D.
GEORGIA - MD	U.S. V CRAWFORD CO. S.D.
GEORGIA - MD	U.S. V MONROE & MORGAN CO. S.D'S
GEORGIA - MD	U.S. V BOE LOWNDES CO.
GEORGIA - MD	U.S. V LAMAR CO. S.D.
GEORGIA - MD	U.S. V BLECKLEY CO. S.D.
GEORGIA - MD	U.S. V SEMINOLE CO. S.D.
GEORGIA - MD	U.S. V JONES CO. S.D.
GEORGIA - MD	U.S. V COOK CO. S.D.
GEORGIA - MD	U.S. V WORTH CO. S.D.
GEORGIA - MD	U.S. V CLINCH CO.
GEORGIA - MD	U.S. V HARRIS CO. S.D.
GEORGIA - MD	U.S. V BOE VALDOSTA CO.
GEORGIA - MD	U.S. V ELBERT CO. S.D.
GEORGIA - MD	U.S. V BUTTS CO. S.D.
GEORGIA - MD	U.S. V PULASKI CO. S.D.
GEORGIA - MD	U.S. V PUTNAM CO. S.D.
GEORGIA - MD	U.S. & RIDLEY V STATE OF GA. (MACON CO. BOE)
GEORGIA - MD	U.S. V HART CO. S.D.
GEORGIA - MD	U.S. V ECHOLS CO. S.D.
GEORGIA - MD	U.S. V CHATTAHOOCHEE CO. S.D.
GEORGIA - MD	U.S. & RIDLEY V STATE OF GA. (PEACH CO. BOE)
GEORGIA - MD	U.S. V TWIGGS CO.
GEORGIA - MD	U.S. & RIDLEY V STATE OF GA. (WILCOX CO BOE)
GEORGIA - MD	U.S. V WILKINSON CO.
GEORGIA - MD	U.S. V SCHLEY CO.
GEORGIA - MD	U.S. V PELHAM CO. S.D.
GEORGIA - MD	U.S. V LEE CO. S.D.
GEORGIA - MD	U.S. V JASPER CO. S.D.
GEORGIA - MD	U.S. V TURNER CO.
GEORGIA - MD	U.S. V WILKES CO. S.D.
GEORGIA - ND	U.S. V BARROW CO. S.D.
GEORGIA - ND	U.S. V WALKER CO. S.D.
GEORGIA - ND	U.S. & RIDLEY V. GA (MERIWETHER CO.)
GEORGIA - ND	U.S. & RIDLEY V. DECATUR CITY
GEORGIA - ND	U.S. V ROME CITY S.D.
GEORGIA - ND	U.S. V COWETA CO. S.D.
GEORGIA - SD	U.S. V TELFAIR CO.
GEORGIA - SD	U.S. V LINCOLN CO.
GEORGIA - SD	U.S. V TOOMBS CO.
GEORGIA - SD	U.S. V GLASCOCK CO.
GEORGIA - SD	U.S. V JEFF DAVIS CO.
GEORGIA - SD	U.S. V TATTNALL CO.
GEORGIA - SD	U.S. V MCDUFFIE CO.

GEORGIA - SD	U.S. V CAMDEN CO.
GEORGIA - SD	U.S. V MONTGOMERY CO.
GEORGIA - SD	U.S. V WAYNE CO.
GEORGIA - SD	U.S. V BOE EMANUEL CO.
GEORGIA - SD	U.S. V APPLING CO.
GEORGIA - SD	U.S. V CANDLER CO.
GEORGIA - SD	U.S. V JENKINS CO.
GEORGIA - SD	U.S. V BOE JOHNSON CO.
GEORGIA - SD	U.S. V JEFFERSON CO.
GEORGIA - SD	U.S. V ATKINSON CO.
GEORGIA - SD	U.S. V VIDALIA CITY
GEORGIA - SD	U.S. V SCREVEN S.D.
GEORGIA - SD	U.S. V COLUMBIA CO.
GEORGIA - SD	U.S. V TREUTLEN CO.
GEORGIA - SD	U.S. V CHARLTON CO.
GEORGIA - SD	U.S. V BRYAN CO.
GEORGIA - SD	U.S. V MCINTOSH CO.
GEORGIA - SD	U.S. V DUBLIN CO.
GEORGIA - SD	U.S. V WHEELER CO.
GEORGIA - SD	U.S. V BOE DODGE CO. S.D.
GEORGIA - SD	U.S. V WARREN CO.
ILLINOIS - CD	U.S. V ST. CLAIRE CO. # 189
ILLINOIS - ND	U.S. V SOUTH HOLLAND SCH DIST # 151
ILLINOIS - ND	U.S. V. CHICAGO BOE
ILLINOIS - ND	DONNELL C. & U.S. V. ILLINOIS ST BOE
ILLINOIS - SD	U.S. V MADISON CO. # 12
INDIANA - ND	U.S. V. SOUTH BEND COMMUNITY SCH
INDIANA - SD	U.S. V INDIANAPOLIS
LOUISIANA - ED	CARTER & U.S. V. W. FELICIANA PARISH
LOUISIANA - ED	U.S. & JENKINS V BOGALUSA CITY
LOUISIANA - ED	U.S. & BANKS V ST. JAMES PARISH
LOUISIANA - ED	U.S. V ASCENSION
LOUISIANA - ED	U.S. V ST. BERNARD PARISH
LOUISIANA - ED	U.S. V ST. JOHN THE BAPTIST PARISH
LOUISIANA - ED	U.S. V PLAQUEMINES PARISH
LOUISIANA - ED	U.S. & SMITH V ST. TAMMANY PARISH
LOUISIANA - ED	U.S. & THOMAS V W. BATON ROUGE
LOUISIANA - ED	U.S. & BOYD V POINTE COUPEE
LOUISIANA - MD	U.S. & HALL V ST. HELENA
LOUISIANA - MD	U.S. V LA HIGHER EDUC
LOUISIANA - WD	LEMON & U.S. V BOSSIER PARISH
LOUISIANA - WD	U.S. V CLAIRBORNE PARISH
LOUISIANA - WD	TRAHAN & U.S. V LAFAYETTE PARISH
LOUISIANA - WD	U.S. & SMITH V CONCORDIA
LOUISIANA - WD	U.S. V RICHLAND S.D.
LOUISIANA - WD	U.S. V LINCOLN PARISH
LOUISIANA - WD	U.S. V E. CARROLL PARISH
LOUISIANA - WD	U.S. & CELESTIAN V VERMILION PARISH

LOUISIANA - WD	U.S. V BIENVILLE PARISH
LOUISIANA - WD	U.S. V LASALLE PARISH
LOUISIANA - WD	U.S. V GRANT CO. S.D.
LOUISIANA - WD	U.S. V DESOTO PARISH
LOUISIANA - WD	U.S. V AVOYELLES PARISH
LOUISIANA - WD	U.S. & ANDREWS V MONROE PARISH
LOUISIANA - WD	U.S. V FRANKLIN PARISH
LOUISIANA - WD	U.S. V ST. LANDRY PARISH PUBLIC SCH
LOUISIANA - WD	U.S. V CATAHOULA PARISH
LOUISIANA - WD	U.S. & WILLIAMS V SABINE PARISH S.B.
LOUISIANA - WD	U.S. V W. CARROLL PARISH
LOUISIANA - WD	U.S. V TENSAS PARISH
LOUISIANA - WD	U.S. V MOREHOUSE S.D.
LOUISIANA - WD	U.S. V RED RIVER PARISH
LOUISIANA - WD	JONES & U.S. V. CADDO
LOUISIANA - WD	U.S. & THOMAS V ST. MARTIN PARISH
LOUISIANA - WD	U.S. V CALDWELL PARISH
LOUISIANA - WD	U.S. & GRAHAM V EVANGELINE PARISH
LOUISIANA - WD	JOHNSON & U.S. V. JACKSON S.D.
LOUISIANA - WD	U.S. & VALLEY V RAPIDES
MICHIGAN - ED	GRATZ & HAMACHER V. BOLLINGER (COLLEGE)
MICHIGAN - WD	COMMUNITIES FOR EQUITY V. MHSAA
MICHIGAN - WD	OWEN & U.S. V. L'ANSE AREA SCHOOLS
MISSISSIPPI - ND	U.S. V INDIANOLA
MISSISSIPPI - ND	U.S. V ABERDEEN MSSD
MISSISSIPPI - ND	U.S. V CALHOUN CO.
MISSISSIPPI - ND	U.S. V WEBSTER CO.
MISSISSIPPI - ND	U.S. V TISHOMINGO CO. (IUKA)
MISSISSIPPI - ND	U.S. V COLUMBUS
MISSISSIPPI - ND	U.S. V COFFEEVILLE-OAKLAND
MISSISSIPPI - ND	U.S. V KOSCIUSKO
MISSISSIPPI - ND	U.S. V LOUISVILLE CO.
MISSISSIPPI - ND	U.S. V MONTGOMERY CO.
MISSISSIPPI - ND	U.S. V ATTALA CO.
MISSISSIPPI - ND	U.S. V LOWNDES CO.
MISSISSIPPI - ND	U.S. V NORTH TIPPAH
MISSISSIPPI - ND	U.S. V GREENWOOD PUBLIC SCHOOL DISTRICT
MISSISSIPPI - ND	U.S. V LEFLORE CO.
MISSISSIPPI - ND	U.S. V TUNICA CO.
MISSISSIPPI - ND	U.S. V CARROLL CO.
MISSISSIPPI - ND	U.S. V CHOCTAW CO.
MISSISSIPPI - ND	U.S. V NETTLETONLINE
MISSISSIPPI - ND	U.S. V PONTOTOC CO.
MISSISSIPPI - ND	U.S. V W. TALLAHATCHIE CO.
MISSISSIPPI - ND	HARRIS & U.S. V OKTIBBEHA CO. S.D.
MISSISSIPPI - ND	U.S. & BAIRD V BENTON CO.
MISSISSIPPI - ND	COWAN & U.S. V. CLEVELAND CITY SCHOOL
MISSISSIPPI - ND	U.S. V. SOUTH TIPPAH

MISSISSIPPI - SD	U.S. & HUDSON V LEAKE CO.
MISSISSIPPI - SD	U.S. & BERNHARDT V MERIDIAN
MISSISSIPPI - SD	U.S. V NESHOPA CO.
MISSISSIPPI - SD	U.S. V ST OF MISS. & JONES CO. S.D.
MISSISSIPPI - SD	ANDERSON & U.S. V MADISON CO.
MISSISSIPPI - SD	U.S. V PHILADELPHIA CO.
MISSISSIPPI - SD	U.S. V LINCOLN CO.
MISSISSIPPI - SD	U.S. & BLACKWELL V SOUTH DELTA SCH DIST
MISSISSIPPI - SD	U.S. V N. PIKE CO.
MISSISSIPPI - SD	U.S. V ST OF MISS. & LAUREL MSSD
MISSISSIPPI - SD	U.S. V SCOTT CO.
MISSISSIPPI - SD	U.S. V LAUDERDALE CITY S.D.
MISSISSIPPI - SD	U.S. & LEE V FORREST CO.
MISSISSIPPI - SD	U.S. V CLINTON MSSD
MISSISSIPPI - SD	U.S. V BROOKHAVEN
MISSISSIPPI - SD	U.S. V WAYNE CO.
MISSISSIPPI - SD	U.S. V MARION CO.
MISSISSIPPI - SD	U.S. & HARRIS V YAZOO CO. MSSD
MISSISSIPPI - SD	U.S. V POPLARVILLE
MISSISSIPPI - SD	U.S. V COLUMBIA MSD
MISSISSIPPI - SD	U.S. V LAWRENCE CO. S.D.
MISSISSIPPI - SD	U.S. V SIMPSON CO.
MISSISSIPPI - SD	U.S. V S. PIKE CO.
MISSISSIPPI - SD	ANDERSON & U.S. V CANTON
MISSISSIPPI - SD	U.S. V MCCOMB MUNICIPAL SEPARATE
MISSISSIPPI - SD	U.S. V KEMPER CO. S.D.
MISSISSIPPI - SD	U.S. V NOXUBEE CO.
MISSISSIPPI - SD	HARRIS & U.S. V. YAZOO CITY
MISSISSIPPI - SD	U.S. V WILKINSON CO.
MISSISSIPPI - SD	U.S. V WALTHALL CO.
MISSISSIPPI - SD	U.S. & KILLINGSWORTH V QUITMAN/ENTERPRISE
MISSISSIPPI - SD	U.S. V COVINGTON CO.
MISSISSIPPI - SD	U.S. V FRANKLIN CO.
MISSISSIPPI - SD	U.S. V HAZELHURST CO.
MISSISSIPPI - SD	U.S. V COPIAH CO.
MISSISSIPPI - SD	U.S. & ADAMS V RANKIN CO.
MISSISSIPPI - SD	U.S. V VICKSBURG-WARREN CO.
MISSISSIPPI - SD	U.S. V UNION CO.
NEW JERSEY	M.A. V. NEWARK PUBLIC SCHOOLS
N. CAROLINA - ED	U.S. V HALIFAX CO. BOE
N. CAROLINA - ED	COPPEDGE & U.S. V FRANKLIN CO.
N. CAROLINA - ED	U.S. V BERTIE CO.
N. CAROLINA - MD	U.S. V BURLINGTON CITY
OKLAHOMA - WD	HEARN V. MUSKOGEE PUBLIC SCH DIST
SOUTH CAROLINA	U.S. V DORCHESTER CO. 4
SOUTH CAROLINA	U.S. V ORANGEBURG CO. #3
SOUTH CAROLINA	U.S. V HAMPTON CO #1
SOUTH CAROLINA	U.S. V FLORENCE # 1

SOUTH CAROLINA	U.S. V BARNWELL # 19
SOUTH CAROLINA	U.S. V COLLETON CO.
SOUTH CAROLINA	U.S. V FLORENCE CO. # 4
SOUTH CAROLINA	U.S. V HAMPTON CO. # 2
SOUTH CAROLINA	U.S. V CHESTERFIELD CO.
SOUTH CAROLINA	U.S. V ALLENDALE CO.
SOUTH CAROLINA	U.S. V CALHOUN # 1
SOUTH CAROLINA	U.S. V GEORGETOWN CO.
SOUTH CAROLINA	U.S. V ANDERSON CO. #3
SOUTH CAROLINA	U.S. V BAMBERG # 2
SOUTH CAROLINA	U.S. V LEXINGTON CO. #1
SOUTH CAROLINA	U.S. V FAIRFIELD CO.
SOUTH DAKOTA	PEDERSEN & U.S. V. S.D. HIGH SCH ACTIVITIES ASSOC
TENNESSEE - ED	MADISON & U.S. V. SULLIVAN COUNTY BOE
TENNESSEE - MD	U.S. V FRANKLIN SPEC
TENNESSEE - MD	U.S. & GEIER V SUNDQUIST
TENNESSEE - WD	U.S. & ROBINSON V SHELBY
TENNESSEE - WD	U.S. V HARDEMAN BOE
TENNESSEE - WD	U.S. V HAYWOOD CO.
TENNESSEE - WD	U.S. V HUMBOLDT CITY
TENNESSEE - WD	U.S. V DYERSBURG CO.
TENNESSEE - WD	U.S. & MONROE V MADISON
TENNESSEE - WD	U.S. V. GIBSON COUNTY
TENNESSEE - WD	U.S. V. MILAN CITY
TENNESSEE - WD	UNITED STATES V. TRENTON CITY BOE
TENNESSEE - WD	UNITED STATES V. BRADFORD CITY BOE
TENNESSEE - WD	U.S. & MCFERREN V FAYETTE CO.
TENNESSEE - WD	U.S. & FAYNE & WEAVER V TIPTON CO. (COVINGTON)
TENNESSEE - WD	U.S. V ALAMO CO. (CROCKETT)
TEXAS - ED	U.S. V TEA (CARTHAGE ISD)
TEXAS - ED	U.S. V STATE OF TEXAS
TEXAS - ED	U.S. V TYLER ISD
TEXAS - ED	U.S. V SAN AUGUSTINE ISD
TEXAS - ED	U.S. & ADAMS V MATHEWS (LONGVIEW ISD)
TEXAS - ED	U.S. V PORT ARTHUR
TEXAS - ED	U.S. V TATUM ISD
TEXAS - ND	U.S. V GARLAND ISD
TEXAS - ND	U.S. V RICHARDSON ISD
TEXAS - SD	U.S. V GALENA PARK ISD
TEXAS - SD	U.S. V KLEIN ISD
TEXAS - SD	U.S. V CROSBY ISD
TEXAS - SD	U.S. V KATY ISD
TEXAS - SD	U.S. V MADISONVILLE ISD
TEXAS - WD	U.S. V LAVEGA ISD
TEXAS - WD	U.S. V. TEA (HEARNE ISD)
TEXAS - WD	U.S. V ECTOR ISD
TEXAS- WD	BRUMFIELD & U.S. V DODD
UTAH	SINAJINI AND U.S. V. SAN JUAN CO. S.D.

VIRGINIA - ED	U.S. V SOUTHAMPTON CO.
VIRGINIA - ED	U.S. V FRANKLIN CITY

Employment Litigation Section:

Open Matters: 205

Active Cases: 82

Active Cases Listed By Jurisdiction:

DISTRICT	CASE NAME
ALABAMA - MD	US V ALABAMA MERIT SYSTEM (BALLARD)
ALABAMA - ND	US V JEFFERSON COUNTY, AL
ARKANSAS - ED	US V ARKANSAS STATE POLICE
ARKANSAS - ED	US V NORTH LITTLE ROCK, AR
CALIFORNIA - CD	US V CITY OF LOS ANGELES POLICE DEPARTMENT, CA
CALIFORNIA - ED	US V UNIVERSITY OF CA MEDICAL CENTER, DAVIS
DELAWARE	ENTERPRISE FLASHER V. MINETA, ET AL. (DE)
DELAWARE	US V DELAWARE STATE POLICE
DC	DYNALANTIC CORP V DOD AND SBA
DC	AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES V US
DC	JANE DOE I V DISTRICT OF COLUMBIA
DC	JANE DOE II V DISTRICT OF COLUMBIA (FIRE)
DC	JANE DOE III V DISTRICT OF COLUMBIA (FIRE)
FLORIDA - MD	US V PINELLAS COUNTY, FL
FLORIDA - MD	US V FLORIDA HIGHWAY PATROL
FLORIDA - SD	US V FORT LAUDERDALE CITY, FL
FLORIDA - SD	US V MIAMI, FL
FLORIDA - SD	US V FORT LAUDERDALE POLICE AND FIRE, FL
GEORGIA - MD	DUDLEY V MACON
GEORGIA - SD	US V CITY OF ALMA AND BACON COUNTY, GA
GUAM	US V UNIVERSITY OF GUAM
ILLINOIS - ND	US V CHICAGO FIRE DEPARTMENT, IL (ALBRECHT)
ILLINOIS - ND	N. CONTRACTING V ILLINOIS DEPARTMENT OF TRANSPORTATION
ILLINOIS - ND	US V CICERO, IL
INDIANA - ND	ENDRES V. INDIANA STATE POLICE (11TH AMENDMENT)
INDIANA - SD	HOLMES V. MARION COUNTY OFFICE OF FAMILY AND CHILDREN, IN
INDIANA - SD	US V WEST TERRE HAUTE TOWN, IN
INDIANA - SD	US V GREENWOOD COMMUNITY SCHOOL CORPORATION, IN
INDIANA - SD	US V INDIANAPOLIS POLICE AND FIRE DEPARTMENTS, IN
INDIANA - SD	US V INDIANA DEPARTMENT OF TRANSPORTATION
LOUISIANA - ED	US V ORLEANS PARISH SHERIFF, LA
LOUISIANA - ED	US V ALEXANDRIA, LA
LOUISIANA - WD	US V CITY OF BASTROP, LA
MARYLAND	US V PRINCE GEORGE'S COUNTY (FIRE DEPARTMENT), MD
MARYLAND	BOND AND U.S. V. BALTIMORE CITY PUBLIC WORKS, MD
MASSACHUSETTS	US V BOSTON FIRE DEPARTMENT, MA
MICHIGAN - WD	OWEN AND US V L'ANSE AREA SCHOOLS, MI
MINNESOTA	SHERBOOKE TURF, INC V MN DEPARTMENT OF TRANSPORTATION
MISSISSIPPI - SD	US V CITY OF JACKSON, MS

MISSISSIPPI - SD	US V LAUREL FIRE DEPARTMENT, MS
MISSOURI - ED	US V ST. LOUIS CITY FIRE DEPARTMENT, MO
NEBRASKA	GROSS SEED CO V NEBRASKA DEPARTMENT OF ROADS
NEW JERSEY	US V NEW JERSEY CIVIL SERVICE
NEW JERSEY	US V NJ DIVISION OF YOUTH AND FAMILY
NEW JERSEY	US V STATE OF NEW JERSEY
NEW JERSEY	US V NJ DEPARTMENT OF CORRECTIONS
NEW JERSEY	US V UNIVERSITY OF MEDICINE & DENTISTRY AT NEW JERSEY
NEW JERSEY	US V NEW JERSEY FIRE DEPARTMENTS
NEW MEXICO	US V UNIVERSITY OF NEW MEXICO
NEW MEXICO	US V NW NM REGION SOLID WASTE AUTHORITY
NEW MEXICO	US V UNIVERSITY OF NEW MEXICO
NEW MEXICO	US V UNIVERSITY OF NEW MEXICO
NEW YORK - ND	US V ONONDAGA COUNTY SHERIFF'S DEPARTMENT, NY
NEW YORK - ND	US V SYRACUSE POLICE AND FIRE, NY
NEW YORK - SD	US V SUFFOLK COUNTY POLICE, NY
NEW YORK - SD	US V NEW YORK CITY BOARD OF EDUCATION
NEW YORK - SD	US V NEW YORK CITY POLICE DEPARTMENT
NEW YORK - SD	US V NYC DEPARTMENT OF PARKS AND RECREATION
NEW YORK - SD	US V NYC HUMAN RESOURCES ADMINISTRATION (CONSOLIDATED WITH O
NEW YORK - SD	US V NASSAU COUNTY POLICE, NY
NEW YORK - SD	US V NEW YORK STATE POLICE
NEW YORK - SD	US V WHITE PLAINS/YONKERS POLICE, NY
NEW YORK - WD	US V BUFFALO POLICE AND FIRE DEPARTMENTS
NORTH CAROLINA - ED	US V NC DEPARTMENT OF CORRECTION
OHIO - ND	US V ASHTABULA COUNTY SHERIFF'S DEPARTMENT
OHIO - ND	MUHAMMED V OHIO DEPARTMENT OF REHABILITATION AND CORRECTION
OHIO - SD	US V CINCINNATI POLICE DEPARTMENT
PENNSYLVANIA - ED	US V SOUTHERN PA TRANSPORTATION AUTHORITY
PENNSYLVANIA - ED	US V PHILADELPHIA POLICE DEPARTMENT
PENNSYLVANIA - WD	U.S. V ERIE POLICE DEPARTMENT, PA
SOUTH CAROLINA	GREENWOOD MILLS, INC V DEPARTMENT OF LABOR
SOUTH CAROLINA	SOUTH CAROLINA STATE POLICE V. U.S.
TENNESSEE - WD	US V TENNESSEE DEPARTMENT OF TRANSPORTATION
TEXAS - ND	US V CITY OF GARLAND, TX
TEXAS - WD	ROTHE DEV CORP V DOD
VIRGINIA - ED	US V NORFOLK POLICE AND FIRE, VA
VIRGINIA - ED	US V FAIRFAX COUNTY, VA
WASHINGTON - WD	WESTERN STATES PAVING CO V WASHINGTON DEPARTMENT OF TRANSP
WISCONSIN - ED	US V MILWAUKEE POLICE AND FIRE COMMUNITY, WI
WISCONSIN - ED	US V MILWAUKEE POLICE AND FIRE COMMISSION, WI
WYOMING	WILKES V WYOMING (11TH AMENDMENT)

Housing and Civil Enforcement Section:

Open Matters: 181

Active Cases: 146

Active Cases Listed By Jurisdiction:

ALABAMA - ND	US V. RAYMOND E. CLARK JR. (D. ALABAMA)
ALABAMA - SD	US V. SATYAM, L.L.C. (COMFORT INN)
ALABAMA - SD	US V. RALPH E. JOHNSON (C. ALABAMA)
ARKANSAS - ED	US V. FRED THOMAS D/B/A BEST WESTERN SCENIC MOTOR INN; STEPH
ARKANSAS - ED	US V. JIMMY L. NEWWOOD (HONES)
ARKANSAS - ED	US V. CITY OF LITTLE ROCK PLANNING COMMISSION
CALIFORNIA - CD	US V. JAMES MOBLEY (EN. CALIF.)
CALIFORNIA - CD	US V. SHERMAN (WALNUT HILLS)
CALIFORNIA - CD	US V. YVETTE SERRA DE MONTES (CALIF.)
CALIFORNIA - CD	US V. WINGO
CALIFORNIA - CD	US V. JOHN ALEXANDER (CENTRAL ID.)
CALIFORNIA - CD	US V. FIDELITY FEDERAL BANK, FSB
CALIFORNIA - ED	US V. JAMES L. BARNES (CALIFORNIA)
CALIFORNIA - ND	US V. DENNY'S RESTAURANT (TW SERVICES)
CALIFORNIA - ND	US V. HILLTOWNE APARTMENTS, ET AL.
CALIFORNIA - ND	US V. JAMES L. BARNES (CALIFORNIA)
CALIFORNIA - ND	US V. SAN FRANCISCO HOUSING AUTHORITY
COLORADO	US V. JAMES L. BARNES (COLORADO)
COLORADO	US V. AURORA HOUSING AUTHORITY
CONNECTICUT	US V. JAMES L. BARNES (CONNECTICUT)
DELAWARE	US V. ASSOCIATES NATIONAL BANK
DISTRICT OF COLUMBIA	US V. DISTRICT OF COLUMBIA C/O OFFICE OF CORPORATION COUNSEL
FLORIDA - MD	US V. HBE CORP D/B/A ADAMS MARK HOTELS -
FLORIDA - MD	US V. JACKSONVILLE HA AND CITY OF JACKSONVILLE
FLORIDA - MD	US V. NAIL

FLORIDA - SD	US V. YANOFSKY D/B/A SOUTH BANK APARTMENTS
GEORGIA - MD	US V. EARL WALKER, D/B/A THE KNIGHTS, FORMERLY CLUB 2000
GEORGIA - MD	US V. BARRETT PROPERTIES (PLAYERS CLUB APT)
GEORGIA - MD	US V. HAL CARTER, ET AL.
GEORGIA - MD	US V. BLAKELY HOUSING AUTHORITY
GEORGIA - ND	US V. CRACKER BARREL RESTAURANT
GEORGIA - ND	US V. HABERSHAM PROPERTIES, INC. D/B/A CRESCENT COURT APARTM
GEORGIA - SD	US V. THE CITY OF POOLER
HAWAII	US V. MAUI COUNTY
IDAHO	US V. PACIFIC NORTHWEST ELECTRIC, INC., ET AL. (TED SIGMONT)
IDAHO	US V. THOMAS DEVELOPMENT CO., TOWLE, F/D/B/A/ DESIGN RESOURC
IDAHO	US V. TAIGEN & SONS, INC. (CENTENNIAL TRAIL)
IDAHO	US V. S-SIXTEEN LIMITED PARTNERSHIP (VILLAGE OF COLUMBIA)
IDAHO	US V. CHERRYWOOD ASSOC., LP; TOMLINSON & ASSOCIATES, ET AL.
IDAHO	US V. ALLAN HORSLEY, ET AL. (THE ELMS)
IDAHO	US V. VANDERPOOL, ET AL.
IDAHO	US V. HALLMARK HOMES; ARCHITECTS WEST AND KEVIN W. JESTER
IDAHO	US V. MADSEN
IDAHO	US V. CITY OF PAYETTE
ILLINOIS - CD	US V. SPRING VALLEY PROPERTIES, ET AL.
ILLINOIS - CD	US V. STRIETER CORP.
ILLINOIS - CD	US V. FIRST SITE COMMERCIAL PROPERTIES, INC.; THE WOODS, LLC
ILLINOIS - CD	US V. BRAY
ILLINOIS - ND	US V. CITY OF WAUKEGAN
ILLINOIS - ND	US V. ONE PARK PLACE CONDOMINIUMS
ILLINOIS - ND	US V. RSC DEVELOPMENT GROUP (HUNT CLUB)
ILLINOIS - ND	US V. ACORN GLEN (JDL MANAGEMENT)
ILLINOIS - ND	US V. FOXCROFT PARTNERSHIP; BARRY, Et al.
ILLINOIS - ND	US V. RESURRECTION RETIREMENT COMMUNITY, INC.
ILLINOIS - ND	HUD ON BEHALF OF BRAVO V. GRUEN
ILLINOIS - ND	US V. RAIMO; DENRAY INSURANCE SERVICES, INC.
ILLINOIS - ND	TRUJILLO V. BD OF DIRECTORS OF TRIUMVERA TOWER CONDO ASSOC;
ILLINOIS - ND	US V. VLAHAKIS
ILLINOIS - ND	US V. CHLYPNIAZ
ILLINOIS - ND	U.S. V. MID-AMERICA BANK
ILLINOIS - SD	US V. CITY OF FAIRVIEW HTS
ILLINOIS - SD	US V. BROSH
INDIANA - ND	US V. CITY OF LAKE STATION
KANSAS	US V. BADEEN, ET AL. (ACAPULCO JOE'S)
KANSAS	US V. BLEAKLEY/LNL (RIDGEVIEW APTS)
KANSAS	US V. LNL ASSOCIATES/ARCHITECTS, P.A.
KANSAS	US V. TRINIDAD MALDONADO; MIDWAY MOBILE HOME PARK, ET AL.
LOUISIANA - ED	US V. MILAZZO; GREEN MEADOW APTS

LOUISIANA - ED	US V. B & S PROPERTIES (FOSTER APARTMENTS)
MASSACHUSETTS	US V. THE CITY OF AGAWAM; THE AGAWAM BD OF APPEALS
MASSACHUSETTS	US V. CHANDLER GARDENS REALTY, INC.
MICHIGAN - ED	US V. EDWARD ROSE & SONS; ET AL.
MICHIGAN - ED	US V. ROYALWOOD COOPERATIVE APTS., INC., ET AL.
MICHIGAN - ED	US V. FIFTH THIRD BANCORP (OLD KENT FINANCIAL CORP./OLD KENT
MINNESOTA	US V. DAVID R. BEAUDET
MINNESOTA	US V. KREISLER A/K/A BOB PETERSON, ET AL.
MISSISSIPPI - SD	US V. CITY OF JACKSON
MISSISSIPPI - SD	US V. NEJAM PROPERTIES
MISSISSIPPI - SD	US V. L.T. JACKSON/L.T. JACKSON TRUST
MISSISSIPPI - SD	US V. ALDEN "BUBBER" WALLACE, III, ET AL.
MISSISSIPPI - SD	HUD, KEYS AND BEARD V. HOPE
MISSISSIPPI - SD	HUD ON BEHALF OF MACMAHON AND SESSIONS V. TUCKER
MISSOURI - WD	US V. POSPISIL, ET AL.
MISSOURI - WD	US V. VEAL
MONTANA	US V. TAMARACK PROPERTY MANAGEMENT CO.; ET AL.
MONTANA	US V. SCHABERG
NEBRASKA	US V. JOHN KOCH
NEBRASKA	US V. SAVANNAH PINES, LLC; HALLIT MANAGEMENT CO., ET AL.
NEVADA	US V. BONANZA SPRINGS, LLC; ET AL.
NEVADA	US V. WILMARK DEVELOPMENT COMPANY, ET AL.
NEVADA	US V. TORINO CONSTRUCTION CORP., ET AL.
NEVADA	US V. ERGS, INC., ET AL.
NEVADA	US V. ROCK SPRINGS VISTA DEVELOPMENT
NEVADA	US V. CAMDEN PROPERTY TRUST (OASIS)
NEVADA	US V. INLAND EMPIRE BLDRS, INC. ET AL.
NEVADA	US V. PACIFIC PROPERTIES AND DEVELOPMENT CORP.
NEVADA	US V. FALCON DEVELOPMENT CORPORATION, ET AL. (SERENADE CONDO
NEVADA	US V. RAINTREE ASSOCIATES LIMITED PARTNERSHIP, ET AL. (DRAC)
NEW HAMPSHIRE	US V. MILLS, ET AL.
NEW JERSEY	US V. GARDEN HOMES MGMT CORP., ET AL.
NEW JERSEY	US V. BOROUGH OF BOUND BROOK
NEW JERSEY	US V. COLTS PRIDE HOMEOWNERS ASSOC.; UNITED PROPERTY MGMT, E
NEW JERSEY	US V. HAWTHORNE GARDENS ASSOCIATES, ET AL.
NEW JERSEY	US V. CARTERET TERRACE, LLC (MERIDIAN SQUARE APTS)
NEW MEXICO	US V. FAIR PLAZA ASSOCIATES, ET AL. (EL PUEBLO APARTMENTS)
NEW MEXICO	US V. MCCOLLUM D/B/A QUEENS POINT MANOR APTS.
NEW MEXICO	US V. SUNBURST MOBILE HOME VILLAGE, ET AL.
NEW MEXICO	US V. VILLEGAS
NEW YORK - ED	HUD V. MINICOZZI; LABELLA REALTY
NEW YORK - SD	US V. YONKERS
NEW YORK - SD	US V. SPACE HUNTERS, INC. AND MCDERMOTT

NEW YORK - SD	US V. HILLMAN HOUSING CORP., HY MEADOWS, ET AL.
NEW YORK - WD	US V. WNYM MICROCROWN REALTY SALES & APPRAISAL CORP. BRIDGE
NEW YORK - WD	US V. BLUEBERRY HILL ASSOCIATES, L.P., ET AL
NORTH CAROLINA - ED	US V. FUGHE ET AL V. AVE NEW HAVEN
NORTH CAROLINA - ED	US V. ALDRIDGE & SOUTHERLAND BUILDER, INC., ET AL.
NORTH CAROLINA - ED	US V. QUARTER BUILD CONSTRUCT F/A DAWN CONSTRUCTION
NORTH CAROLINA - ED	US V. HARRIS; THETFORD PROPERTIES IV LTD PARTNERSHIP; ET AL.
NORTH CAROLINA - MD	US V. SLEEPY HOLLOW ESTATES
NORTH CAROLINA - WD	US V. TOWN OF MAIDEN
OHIO - SD	US V. PIP CRAWFORD CRAWFORD LEMBER CO
OHIO - SD	US V. MATUSOFF RENTAL CO.; MCCORD
PENNSYLVANIA - WD	US V. CITY OF JOHNSTOWN
TENNESSEE - MD	US V. CITY OF MOUNT PLEASANT, ET AL.
TENNESSEE - WD	US V. BACCHINI CONSTRUCTION (CHICKASAW) RICHARD
TEXAS - ED	US V. PRESTONWOOD PROP. (STILLMEADOW)
TEXAS - SD	US V. BRAZORIA MANOR APTS., LTD., ET AL. (JOHNSON ENTERPRISE
TEXAS - WD	US V. BRIGGS OF SAN ANTONIO, INC. D/B/A FAT TUESDAY
WASHINGTON - ED	US V. SEATTLE HOUSING AUTHORITY
WASHINGTON - WD	US V. BILLY VOLTING INC (MOUNTAIN NEWS) SEATTLE
WISCONSIN - ED	US V. ROBERT FRANSWAY
WISCONSIN - ED	US V. KRUEGER
WISCONSIN - ED	US V. RODDIS
WYOMING	US V. BARTON

Office of Special Counsel for Immigration Related Unfair Employment Practices:

Employer/Worker Hotline Calls Handled Through FY04 Q2: 11,155

Open Matters: 249

Active Cases: 10

Active Cases Listed By Jurisdiction:

GEORGIA - SD	RUDY ARIZMENDI V. BLAND FARMS
GEORGIA - SD	HAGAN v. BLAND FARMS
GEORGIA - SD	MARIA ARIZMENDI V. BLAND FARMS
NEW YORK - ED	TOBIAS LEE V. DAIRY DVLP. INT'L.
OREGON	SANTIAGO LOPEZ v. AGRIPAC, INC.

Special Litigation Section:

Open Matters: 295

Active Cases: 114

Active Cases Listed By Jurisdiction:

CALIFORNIA - CD	U.S. V. LOS ANGELES POLICE DEPARTMENT
CONNECTICUT	U.S. V. STATE OF CONNECTICUT
DISTRICT OF COLUMBIA	EVANS & U.S. V. WILLIAMS (COMMUNITY PROGRAMS SERVING FOREST
FLORIDA - MD	JOHNSON & U.S. V. REIGER
GEORGIA - MD	U.S. V. STATE OF GEORGIA
GEORGIA - MD	U.S. V. STATE OF GEORGIA
GEORGIA - MD	U.S. V. STATE OF GEORGIA
GEORGIA - MD	U.S. V. STATE OF GEORGIA
GEORGIA - MD	U.S. V. STATE OF GEORGIA
GEORGIA - MD	U.S. V. STATE OF GEORGIA
GEORGIA - MD	U.S. V. STATE OF GEORGIA
GEORGIA - MD	U.S. V. STATE OF GEORGIA
GEORGIA - MD	U.S. V. STATE OF GEORGIA
GEORGIA - ND	U.S. V. STATE OF GEORGIA
GEORGIA - ND	U.S. V. STATE OF GEORGIA
GEORGIA - ND	U.S. V. STATE OF GEORGIA
GEORGIA - ND	U.S. V. STATE OF GEORGIA
GEORGIA - ND	U.S. V. STATE OF GEORGIA
GEORGIA - SD	U.S. V. STATE OF GEORGIA

GEORGIA - SD	U.S. V. STATE OF GEORGIA
GEORGIA - SD	U.S. V. STATE OF GEORGIA
GEORGIA - SD	U.S. V. STATE OF GEORGIA
GEORGIA - SD	U.S. V. STATE OF GEORGIA
GEORGIA - SD	U.S. V. STATE OF GEORGIA
GEORGIA - SD	U.S. V. STATE OF GEORGIA
GEORGIA - SD	U.S. V. STATE OF GEORGIA
GEORGIA - SD	U.S. V. STATE OF GEORGIA
GUAM	U.S. V. GUAM
GUAM	U.S. V. GUAM
GUAM	U.S. V. GUAM
GUAM	U.S. V. GUAM
HAWAII	U.S. V. HAWAII
HAWAII	U.S. V. HAWAII
INDIANA - ND	U.S. V. INDIANA
INDIANA - SD	U.S. V. INDIANA
KANSAS	U.S. V. THOMAS J. BURKE
KENTUCKY - ED	U.S. V. BREATHITT COUNTY, KENTUCKY
KENTUCKY - WD	U.S. V. MCCracken COUNTY, KY.
LOUISIANA - ED	U.S. V. STATE OF LOUISIANA
LOUISIANA - MD	U.S. V. STATE OF LOUISIANA
LOUISIANA - WD	U. S. V. STATE OF LOUISIANA
LOUISIANA - WD	U.S. V. STATE OF LOUISIANA
MARYLAND	MCNAACP V. MONTGOMERY CO MD PD
MARYLAND	U.S. V. PRINCE GEORGE'S COUNTY , MARYLAND
MICHIGAN - ED	U.S. V. CITY OF DETROIT
MISSISSIPPI - ND	U.S. V. SUNFLOWER COUNTY
MISSISSIPPI - SD	RAINIER V. JONES
MISSISSIPPI - SD	U.S. V. HARRISON COUNTY
MISSISSIPPI - SD	U.S. V. STATE OF MISSISSIPPI, ET AL
MISSISSIPPI - SD	U.S. V. STATE OF MISSISSIPPI, ET AL
MISSOURI - WD	U.S. V. DINWIDDIE
MONTANA	U.S. V. STATE OF MONTANA
NEW JERSEY	U.S. V. ESSEX COUNTY
NEW JERSEY	U.S. V. STATE OF NEW JERSEY
NEW MEXICO	U.S. V. STATE OF NEW MEXICO
NEW YORK - ED	U.S. V. NEW YORK
NEW YORK - ED	U.S. V. NASSAU COUNTY
NEW YORK - SD	U.S. V. LYNCH
NEW YORK - SD	U. S. V. MENCHACA ET AL
OHIO - ND	U.S. V. ALAN MAURICE SMITH
OHIO - SD	U.S. V. STEUBENVILLE POLICE DEPARTMENT
PENNSYLVANIA - ED	HALDERMAN & U.S. V. PENNHURST
PENNSYLVANIA - ED	U.S. V. COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA - WD	U.S. V. PITTSBURGH POLICE DEPARTMENT

PUERTO RICO	U.S. V. COMMONWEALTH OF PUERTO RICO
PUERTO RICO	U.S. V. COMMONWEALTH OF PUERTO RICO
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PUERTO RICO	U.S. V. COMMONWEALTH OF PUERTO RICO
PUERTO RICO	U.S. V. COMMONWEALTH OF PUERTO RICO
SAIPAN	U.S. V. COMMONWEALTH OF NORTHERN MARIANA ISLANDS
SAIPAN	U.S. V. COMMONWEALTH OF NORTHERN MARIANA ISLANDS
SAIPAN	U.S. V. COMMONWEALTH OF NORTHERN MARIANA ISLANDS
SAIPAN	U.S. V. COMMONWEALTH OF NORTHERN MARIANA ISLANDS
SAIPAN	U.S. V. COMMONWEALTH OF NORTHERN MARIANA ISLANDS
TENNESSEE - ED	U.S. V. STATE OF TENNESSEE
TENNESSEE - ED	U.S. V. STATE OF TENNESSEE
TENNESSEE - MD	U.S. V. STATE OF TENNESSEE
TENNESSEE - MD	U.S. V. STATE OF TENNESSEE
TENNESSEE - WD	U.S. V. STATE OF TENNESSEE
TENNESSEE - WD	U.S. V. STATE OF TENNESSEE
TENNESSEE - WD	U.S. V. SHELBY COUNTY
VIRGIN ISLANDS	U.S. V. COMMONWEALTH OF VIRGIN ISLANDS
WISCONSIN - ED	U.S. V. STATE OF WISCONSIN
WISCONSIN - ED	U.S. V. STATE OF WISCONSIN
WISCONSIN - WD	U.S. V. STATE OF WISCONSIN
WYOMING	U.S. V. STATE OF WYOMING

Voting Section:

Open Matters: 145

Active Cases: 35

Active Cases Listed By Jurisdiction:

DISTRICT	CASE NAME
ALABAMA, ND	United States v. City of Bessemer
ARKANSAS, ED	United States v. Pulaski County
CALIFORNIA, ND	United States v. San Diego County
FLORIDA, ND	United States v. State of Florida
FLORIDA, MD	United States v. Orange Co.
FLORIDA, MD.	United States v. Osceola Co
FLORIDA, SD	United States v. Orange-Dade Co.
ILLINOIS, ND	United States v. City of Cicero
LOUISIANA, MD	United States v. Baton Rouge
MICHIGAN, ED	United States v. City of Hamtramck
MISSOURI, ED	United States v. Election Commission of the City of St. Louis
MONTANA	United States v. Blaine County
NEW JERSEY	United States v. City of Passaic
NEW JERSEY	United States v. Passaic County
NEW MEXICO	United States v. Sandoval County
NEW MEXICO	United States v. Cibola County
NEW MEXICO	United States v. Sandoval County
NEW MEXICO	United States v. Bernalillo County
NEW YORK, ED	United States v. State of New York
NEW YORK, ND	United States v. State of New York
NEW YORK, ED	United States v. State of New York
OKLAHOMA, WD	United States v. State of Oklahoma
PENNSYLVANIA, ED	United States v. Commonwealth of Pennsylvania
PENNSYLVANIA, MD	United States v. Commonwealth of Pennsylvania
S. CAROLINA.	United States v. Charleston County
TENNESSEE, MD	United States v. State of Tennessee
VA/(D.D.C.)	City of Winchester v. Ashcroft
VA/(D.D.C.)	Rockingham County v. Ashcroft,
VA/(D.D.C.)	City of Harrisonburg v. Ashcroft,

**Responses to Questions Regarding Texas Redistricting Posed by Minority Members
of the House Committee on the Judiciary
on March 11, 2004**

**Submitted by Sheldon Bradshaw
Principal Deputy, Civil Rights Division
United States Department of Justice**

The answers to these questions have been submitted by Mr. Bradshaw rather than Assistant Attorney General Acosta because AAG Acosta has been recused from the matter to which these questions pertain.

9. *Joseph Rich Signature Issue*

Isn't it the normal practice of the Voting Rights Section that the Division Chief signs preclearance letters? Joseph Rich, the Chief of the Section, did not sign the Texas December 19th preclearance letter. Instead, it was signed by Mr. Sheldon Bradshaw. Can you explain why Mr. Bradshaw, a political appointee, signed the letter instead of Mr. Rich, the division chief?

RESPONSE

It has been the longstanding practice of the Civil Rights Division – regardless of Administration – to have all pre-clearance or objection letters on state-wide redistricting plans signed by the Assistant Attorney General or the individual designated to act in his place. The process followed in the review of the Texas plan and the letter of determination sent to Texas was entirely consistent with this practice.

10. *Voting Section Texas Memorandum*

It has been the usual practice of the Voting Section of the Civil Rights division over the last 38 years to release, pursuant to a request under the Freedom of Information Act, copies of memoranda prepared by the Voting Section career attorneys in connection with preclearance submissions made by covered jurisdictions. A FOIA case was made for the memorandum prepared by the staff of the Voting Section in which the staff reportedly recommended an objection to the Texas congressional redistricting plan. In an unprecedented ruling, the Civil Rights Division leadership instructed the Office of Privacy and Freedom Information not to release the memorandum. What were the legal and factual basis for this decision?

The chief FOIA officer in your division, Mr. Nelson Hermanilla, recently informed an interested citizen that the professional staff of the Voting Rights Section prepared a 73-page memorandum regarding the decision to preclear the Texas plan. It appears that the professional staff, the experts who spent the most time studying the Texas submission, had a lot to say about the State of Texas' submission. In contrast, the letter from Mr.

Bradshaw, the political appointee, is only three paragraphs. Does this suggest to you that the professional staff might have objected to all or part of the Texas submission?

We are formally requesting that you submit this memorandum to this Committee forthwith.

RESPONSE

The Freedom of Information Act requests submitted regarding this matter were processed by our chief FOIA officer, Nelson Hermilla, following the normal and usual procedures applicable to all such requests. In keeping with longstanding practices, followed by multiple Administrations, we do not release under FOIA materials subject to privilege. As Mr. Hermilla clearly stated in his responses, he “determined that access should be denied pursuant to 5 U.S.C. § 552(b)(5) because the memorandum would not be discoverable in litigation and consists of predecisional deliberative material; and pursuant to 5 U.S.C. § 552(b)(7)(C) because disclosure of portions of the memorandum could reasonably be expected to constitute an unwarranted invasion of personal privacy.”

With regard to the pre-clearance letter, it was similar in content and length to all other pre-clearance letters issued by the Division to pre-cleared jurisdictions in countless other cases.

11. *Gag Order*

For the first time in the history of the enforcement of the Voting Rights Act, a gag order was imposed on attorneys in the Voting Section who handled the Texas congressional redistricting submission. This gag order was so strict that career attorneys were not even permitted to talk with one another about the plan, a practice they have engaged in for years in an effort to explore the factual and legal issues that can accompany a redistricting submission. Did you approve this gag order and if not who did? Also, why was it imposed? More generally, is it a common practice in the Civil Rights Division to prevent attorneys from communicating with each other?

RESPONSE

Your question mischaracterizes the Division’s actions in this matter. Indeed, a “gag order” of the nature your question suggests would not only be counter productive but likely unworkable in practice. The Division imposed no such order.

In each case, the Division does take the appropriate and reasonable steps necessary to protect the confidentiality of its case review. For myriad understandable reasons, Division policy prohibits disclosure of any and all internal deliberations. Moreover, Division attorneys are bound by their professional and ethical obligations to maintain the confidentiality of all privileged materials and information, including attorney work product and attorney-client communications. Hence, all Division personnel are already prohibited from discussing internal deliberations concerning all Section 5 matters or any other matter with persons outside the Department.

On occasion, the Division receives a redistricting submission of particular public interest, regarding which it is evident from the outset that there will be significant press interest and pressure. The Division faced such a high profile matter in 2002 when reviewing a Mississippi redistricting plan. And, at that time, some newspaper stories strongly suggested that internal deliberative details were, in fact, leaked to the press.

Mindful of that precedent, and facing another high-profile submission in Texas, the Division took practical and sensible steps to protect the privileges and ethical obligations due its client, the United States. Accordingly, the Voting Section Chief, Joe Rich, took several steps to ensure the confidentiality of internal, privileged deliberations. One of these steps was to direct lawyers working on the matter not to discuss their work with others not working on the case so as to minimize the chance of an unauthorized disclosure of internal deliberations. In light of the facts, this was not only reasonable, but indeed accorded with good professional legal standards.

Contrary to your assertion, the team of lawyers actually working on the matter was, of course, permitted to communicate regarding the factual and legal issues of their review.